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1 PROSPECTIVE JUROR: No. If there are other
2 witnesses, there is other evidence brought in, you have to
3 have an open mind.

4 MR. BANDELLI: Does anybody feel that maybe that
5 doesn't feel right because I know if I were accused of
6 something, I would certainly want to get up? I think you
7 are shaking your head. No? Miss McCarthy, I'm going to
8 focus on you anyway. Do you feel comfortable with that
9 idea, that somebody, you know, can basically sit silently
10 and not say anything?

11 PROSPECTIVE JUROR: I feel comfortable with it,
12 but I guess I would wonder why. I would testify, but that's
13 just everybody has that right to make that choice, then
14 that's fine.

15 MR. BANDELLI: I'm not trying to make you nervous.
16 I'm trying to -- again, I want to get this right. Okay?
17 And so you would testify. So, if you would testify, if you
18 felt like you had something to say, would you sort of
19 question why somebody wouldn't testify? And I need you to
20 be honest here. Don't say what you think we want to hear.
21 Say what you really think.

22 THE COURT: Let me interrupt you, Mr. Bandelli.
23 That is third basic principle of law I stated. I'll repeat
24 it. If the defendant does not testify in his own behalf,
25 that's not a factor from which you can draw an inference

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1 unfavorable to him. Anyone have a problem following that?

2 PROSPECTIVE JUROR: No.

3 PROSPECTIVE JUROR: No. No.

4 THE COURT: The other thing is in life we like to
5 hear both sides of a story. In the criminal justice system
6 it's not that way. The ADA brings the accusation in the
7 form of the indictment, and he must prove that beyond a
8 reasonable doubt. A lot of times in a criminal case you
9 won't hear from both sides. Do you all understand that?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: The DA brings the charges. He must
12 prove the charges. The defendant doesn't have to do
13 anything. Anyone have a problem with that? Raise your
14 hand. Go ahead, Mr. Bandelli. You have another minute.

15 MR. BANDELLI: Don't just say yes because the
16 judge is telling you.

17 THE COURT: Mr. Bandelli. Mr. Bandelli.

18 MR. BANDELLI: Yes, sir. Yes, sir.

19 THE COURT: Ask questions --

20 MR. BANDELLI: Yes, sir.

21 THE COURT: -- that are proper to see if the
22 jurors are qualified.

23 MR. BANDELLI: Okay.

24 THE COURT: Don't make comments like that.

25 MR. BANDELLI: I have one more thing I want to go

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1 over. Don't be insulted if I call on you directly or didn't
2 acknowledge you. There is no reason that I'm doing it other
3 than we have a short period, and we are trying to get
4 everything out.

5 Miss McCarthy, you said that you had relatives in
6 law enforcement. You said your brother, while he was a
7 police officer, he works for the commissioner.

8 PROSPECTIVE JUROR: Yes.

9 MR. BANDELLI: There are going to be police
10 officers testifying in this case. Does anybody here believe
11 that police officers always lie?

12 Does anybody believe that -- do you believe that
13 police officers never tell the truth?

14 PROSPECTIVE JUROR: No.

15 MR. BANDELLI: Does anybody believe that police
16 officers always tell the truth? Do you believe that police
17 officers always tell the truth?

18 PROSPECTIVE JUROR: No.

19 MR. BANDELLI: Does anybody feel that way? That
20 police officers always tell the truth? Anybody? Okay.

21 So, a police officer is just like anybody else.
22 When he or she gets on the witness stand, you use the same
23 rules to determine whether or not they are telling the truth
24 that you would as if it was any other civilian. Yes? Okay.

25 I want you to promise me if you are selected, you

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1 will be fair and impartial to both sides in this case; that
2 you will listen closely and make a decision based on the
3 evidence, not based on your emotions. Okay?

4 If at the end the People have failed to satisfy
5 their burden, have not proven guilt beyond a reasonable
6 doubt, you will be able to render a verdict of --
7 Miss Rudolph.

8 PROSPECTIVE JUROR: Not guilty.

9 MR. BANDELLI: Sir.

10 PROSPECTIVE JUROR: Not guilty.

11 MR. BANDELLI: Sir.

12 PROSPECTIVE JUROR: Not guilty.

13 MR. BANDELLI: Sir.

14 PROSPECTIVE JUROR: Not guilty.

15 MR. BANDELLI: Ma'am.

16 PROSPECTIVE JUROR: Guilty.

17 MR. BANDELLI: If they failed to prove beyond a
18 reasonable doubt. I'm not trying to trick you. Okay?

19 Can you say it? If they fail to satisfy their
20 burden, what would the verdict be?

21 PROSPECTIVE JUROR: Guilty.

22 MR. BANDELLI: Guilty. Okay.

23 Sir, if they fail to satisfy their burden of
24 proof.

25 PROSPECTIVE JUROR: Not guilty.

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1 MR. BANDELLI: That's right.

2 Mr. Ramos.

3 PROSPECTIVE JUROR: Not guilty.

4 MR. BANDELLI: Miss Martinez.

5 PROSPECTIVE JUROR: Not guilty.

6 MR. BANDELLI: Sir.

7 PROSPECTIVE JUROR: Not guilty.

8 MR. BANDELLI: You have to speak up.

9 PROSPECTIVE JUROR: Not guilty.

10 MR. BANDELLI: There are a lot of people. I'm not
11 trying to put you on the spot.

12 THE COURT: Mr. Bandelli.

13 MR. BANDELLI: I'm also done, Judge.

14 THE COURT: Hurry up.

15 PROSPECTIVE JUROR: Not guilty.

16 MR. BANDELLI: What's that?

17 PROSPECTIVE JUROR: Not guilty.

18 MR. BANDELLI: Ma'am.

19 PROSPECTIVE JUROR: Not guilty.

20 MR. BANDELLI: Sir.

21 PROSPECTIVE JUROR: Not guilty.

22 MR. BANDELLI: Ma'am.

23 PROSPECTIVE JUROR: Not guilty.

24 MR. BANDELLI: Okay. Miss McCarthy.

25 PROSPECTIVE JUROR: Not guilty.

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1 MR. BANDELLI: Sir.

2 PROSPECTIVE JUROR: Not guilty.

3 MR. BANDELLI: Sir.

4 PROSPECTIVE JUROR: Not guilty.

5 MR. BANDELLI: Okay. You didn't understand. I
6 didn't mean to put you on the spot I apologize.

7 Thank you very much for your time and for your
8 patience and thank you. Thank you.

9 (Pause in proceedings.)

10 (The following proceedings took place in the jury
11 room:)

12 THE COURT: People, any challenge for cause
13 prospective jurors one through 12, up to and including
14 Urmrula Lackhan.

15 MR. ROSENBLATT: No.

16 THE COURT: Any challenge for cause?

17 MR. BANDELLI: No, Judge.

18 THE COURT: Any perempt, People, one through 12?

19 MR. ROSENBLATT: Number four, Mr. Friedman.

20 THE COURT: People challenge Ira Friedman,
21 prospective juror number four.

22 MR. ROSENBLATT: Number nine, Mr. Fishtein.

23 THE COURT: People challenge Andrew Fishtein,
24 prospective juror number nine.

25 MR. ROSENBLATT: That's it.

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1 THE COURT: Mr. Bandelli, any challenges up to and
2 including Urmrula Lackhan.

3 MR. BANDELLI: Number one, Nancy Rudolph.

4 THE COURT: Defense challenges prospective juror
5 number one.

6 MR. BANDELLI: Number six.

7 THE COURT: Pardon?

8 MR. BANDELLI: Six, seven and eight.

9 THE COURT: Defense challenges Kevin Pegram,
10 prospective juror number six; Robert Ramos, prospective
11 juror number seven; and Vanessa Martinez, prospective juror
12 number eight.

13 MR. BANDELLI: We are going up to number 12?

14 THE COURT: Twelve, yes.

15 MR. BANDELLI: Number 11.

16 THE COURT: Defense challenge Mary Helen McCarthy,
17 prospective juror number 11.

18 MR. BANDELLI: That's it.

19 THE COURT: Kevin Leong, Michael Falci, Carol
20 Mohammed, Justin Marks acceptable to both sides?

21 MR. ROSENBLATT: Yes.

22 MR. BANDELLI: Yes.

23 THE COURT: They become jurors one through four.

24 People, any challenge for cause as to the
25 remaining five prospective jurors? Cause challenge.

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1 MR. ROSENBLATT: No.

2 THE COURT: Any cause challenge, Mr. Bandelli?

3 MR. BANDELLI: No.

4 THE COURT: Any perempt, People?

5 MR. ROSENBLATT: Yes, Judge. Eleven, Perez.

6 THE COURT: That's 13.

7 MR. ROSENBLATT: Thirteen, Perez.

8 THE COURT: The People challenge prospective juror
9 number 13, Luis Perez.

10 MR. ROSENBLATT: Fourteen, Polanco and 16, Lall.

11 THE COURT: The People challenge Leidy Polanco,
12 prospective juror number 14, and Brian Lall, prospective
13 juror number 16.

14 Mr. Bandelli, any challenge as to Lackhan and
15 Pereira.

16 MR. ROSENBLATT: I thought Lackhan was seated. I
17 thought we did one through 12.

18 THE COURT: You are right. I'm sorry. Urmrula
19 Lackhan is acceptable to both sides?

20 MR. ROSENBLATT: Yes.

21 MR. BANDELLI: Yes.

22 THE COURT: That's juror number five. I forgot to
23 pull his card.

24 Any challenge as to Gibson Pereira?

25 MR. BANDELLI: No.

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1 THE COURT: Gibson Pereira is acceptable to both
2 sides?

3 MR. ROSENBLATT: Yes.

4 MR. BANDELLI: Yes.

5 THE COURT: He becomes juror number six. Okay.

6 MR. ROSENBLATT: Can I bring up one thing about
7 that so-ordered subpoena now?

8 THE COURT: What do you want to bring up?

9 MR. ROSENBLATT: We can do it off the record.

10 THE COURT: Go ahead.

11 (Discussion held off the record.)

12 (In open court).

13 THE CLERK: Come to order, please.

14 The jurors seated in the jury box, will the
15 following six people please remain seated:

16 Kevin Leong, Michael Falci, Carl Mohammed, Justin
17 S. Marks, Urmrula M. Lackhan and Gibson S. Pereira. You six
18 people remain seated. Everybody else in the jury box return
19 to central jury now.

20 Okay. Mr. Leong, move over one seat. Mr. Falci,
21 seat number two. Miss Mohammed, number three. Mr. Marks,
22 number four. Miss Lackhan, number five, and Mr. Pereira,
23 seat number six.

24 Our six selected jurors, please rise and raise
25 your right hand.

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1 (Selected jurors sworn in by the clerk of the
2 court.)

3 (Selected and sworn jurors exit the courtroom.)

4 THE COURT: Fill the jury box, please.

5 THE CLERK: One again, jurors, if your name is
6 called, please follow the instructions of the sergeant.

7 Haran N. Ratna, H-a-r-a-n, middle initial N,
8 R-a-t-n-a, seat number one, please.

9 Elzbieta Gugala, E-l-z-b-i-e-t-a, last name
10 G-u-g-a-l-a, seat number two, please.

11 Linda Quatela, Q-u-a-t-e-l-a, seat number three,
12 please.

13 Wieda Effendy, W-i-e-d-a, last name E-f-f-e-n-d-y,
14 seat number four, please.

15 Jessica L. Santaromita, S-a-n-t-a-r-o-m-i-t-a,
16 seat number five, please.

17 Carol A. Napolitano, N-a-p-o-l-i-t-a-n-o, seat
18 number six, please.

19 Mindy F. Wilkes, W-i-l-k-e-s, seat number seven,
20 please.

21 William R. Ceja, C-e-j-a, seat number eight,
22 please.

23 Becky Uwadiae, U-w-a-d-i-a-e. Becky Uwadiae.

24 Mark her absent, Judge.

25 Ann B. Jaworek, J-a-w-o-r-e-k, seat number nine,

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1 please.

2 Salvatore A. Cusumano, C-u-s-u-m-a-n-o, seat
3 number ten, please.

4 Sandra Kucuk, K-u-c-u-k, seat number 11, please.

5 Caryn R. Gale, C-a-r-y-n, G-a-l-e, seat number 12,
6 please.

7 Rony Abraham, R-o-n-y, A-b-r-a-h-a-m, seat number
8 13, please.

9 Tamikia Williams, T-a-m-i-k-i-a, W-i-l-l-i-a-m-s,
10 seat number 14, please.

11 Laurie B. Weiss, W-e-i-s-s, seat number 15.

12 Jijay Gajagharsingh, J-i-j-a-y, last name
13 G-a-j-a-g-h-a-r-s-i-n-g-h, seat number 16, please.

14 THE COURT: Good morning, ladies and gentlemen.

15 I hope you were paying attention because we are
16 basically going to review the same material that we did with
17 the first group. I'm going to repeat those basic
18 principles.

19 The defendant, as he is seated there, is presumed
20 innocent. The DA has the burden to prove him guilty beyond
21 a reasonable doubt, and if the defendant decides not to
22 testify in his own behalf, that's not a factor from which
23 you can draw an inference unfavorable to him.

24 Anyone have a problem understanding those? Please
25 raise your hand.

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1 Anyone have a problem following those? Raise your
2 hand.

3 As I said, if you become jurors, you become judges
4 of the facts, and I'm the judge of the law, and you must
5 accept the law as I give it to you throughout the case even
6 if you disagree with me. Do you all understand that? You
7 all took an oath, so you have to follow that.

8 Anyone here served as a juror before on a criminal
9 case? Please raise your hand.

10 Is it Miss Effendy?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: How many years ago was it?

13 PROSPECTIVE JUROR: Six years ago.

14 THE COURT: Six years ago?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Without telling me what it was, were
17 you able to reach a verdict?

18 PROSPECTIVE JUROR: No. It was a mistrial.

19 THE COURT: A mistrial?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. Thank you, and who else?
22 Miss Weiss.

23 PROSPECTIVE JUROR: It was on the grand jury.

24 THE COURT: On the grand jury?

25 PROSPECTIVE JUROR: Yes.

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1 THE COURT: How many years ago?

2 PROSPECTIVE JUROR: Over ten years ago.

3 THE COURT: All right. You understand this is a
4 different process.

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: All right. No problem with that,
7 right?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Anyone else have their hand up?

10 Any of you been the victim of a crime? Raise your
11 hand. Do that one more time.

12 Miss Effendy, what happened to you?

13 PROSPECTIVE JUROR: I got robbed.

14 THE COURT: You got robbed?

15 PROSPECTIVE JUROR: Yes. Someone went to my home.

16 THE COURT: They burglarized your house?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: About how many years ago?

19 PROSPECTIVE JUROR: Four years ago.

20 THE COURT: And did you call the police?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Was anybody arrested?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Okay. This happened when nobody was
25 home, right?

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1 PROSPECTIVE JUROR: Nobody was home.

2 THE COURT: All right. I'm sure you would agree
3 with me that that has nothing to do with this case.

4 PROSPECTIVE JUROR: Right.

5 THE COURT: You could be fair to both sides?

6 PROSPECTIVE JUROR: I'll try.

7 THE COURT: What?

8 PROSPECTIVE JUROR: I'll try.

9 THE COURT: Well, if you have a problem, let me
10 know. You see, you have to base your verdict only on the
11 evidence that you will see and hear in this courtroom
12 related to this case. As I said before, we come into this
13 courtroom with various experiences, hopefully most of them
14 good, and some bad ones like when your house got
15 burglarized. We don't expect you to forget about the bad
16 ones, but you have to place your memory of them aside and
17 base your verdict only on the evidence related to this case.
18 You will have no problem doing that; would you?

19 PROSPECTIVE JUROR: No problem.

20 THE COURT: Thank you.

21 Miss Napolitano, what happened to you?

22 PROSPECTIVE JUROR: My house was burglarized, and
23 I had two cars stolen, and two weeks ago my car was smashed
24 while I was at work.

25 THE COURT: That's annoying; isn't it?

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1 PROSPECTIVE JUROR: Very, and nobody saw anything.

2 THE COURT: You heard what I just said to
3 Miss Effendy. We don't expect you to forget about those.
4 Place your memory of them aside, and base your verdict only
5 on the evidence here; otherwise, it wouldn't be fair, and
6 you look like a fair person. You would have no problem
7 doing that.

8 PROSPECTIVE JUROR: No.

9 THE COURT: Thank you, Miss Napolitano.
10 Miss Wilkes, what happened to you.

11 PROSPECTIVE JUROR: (No response.)

12 THE COURT: Come up.

13 (The following proceedings took place at
14 side-bar:)

15 THE COURT: Are you okay?

16 PROSPECTIVE JUROR: In the '90s I was followed
17 home on the train for over two years by a man who would
18 touch me on the train.

19 THE COURT: Okay. Take it easy. This happened
20 how long ago?

21 PROSPECTIVE JUROR: In the '90s, the early '90s,
22 and at that time the transit police and the regular police
23 were separated, so I tried to get the regular cops to
24 assist, and I couldn't get help. They sent me to the
25 Transit police.

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1 Over a year went by, and I finally got two
2 detectives who would follow me when I would leave work and
3 go home on the train, and they never actually caught the
4 guy.

5 THE COURT: He did this more than once?

6 PROSPECTIVE JUROR: For over two years.

7 THE COURT: He did it for two years?

8 PROSPECTIVE JUROR: Over two years.

9 THE COURT: All right. You look like you are very
10 upset. I don't think you should sit on this case.

11 PROSPECTIVE JUROR: It's the nature of --

12 THE COURT: Okay. Okay.

13 PROSPECTIVE JUROR: Thank you.

14 THE COURT: We are going to have you go over to
15 civil cases.

16 PROSPECTIVE JUROR: That would be better, yes.

17 THE COURT: Take it easy. Please don't get upset.
18 I'm sorry to bring up a bad memory.

19 PROSPECTIVE JUROR: Thank you.

20 THE COURT: Miss Wilkes is excused consent of both
21 sides?

22 MR. ROSENBLATT: Yes.

23 MR. BANDELLI: Yes.

24 (In open court.)

25 THE COURT: Fill that seat, please.

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1 THE CLERK: Robin G. Rosenberg, R-o-s-e-n-b-e-r-g,
2 seat number seven, please.

3 THE COURT: Good afternoon, Miss Rosenberg.

4 PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: Were you able to hear those three
6 basic principles?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Any problem following them?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Ever been the victim of a crime?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What happened to you?

13 PROSPECTIVE JUROR: My daughter had friends over
14 who brought friends. I wasn't home. When I came home, I
15 discovered money and jewelry missing. The police were
16 called. We went looking for two of the boys that the other
17 children thought did it. Couldn't find either.
18 Miraculously my daughter's money resurfaced. My jewelry was
19 gone. These are children -- a lot of them were children
20 from the area from where the defendant is coming from. She
21 went to the high school which is on Commonwealth. So, this
22 whole thing -- I have a teenage daughter. I'm not
23 comfortable with this.

24 THE COURT: You are not comfortable with what?

25 PROSPECTIVE JUROR: I'm not comfortable with a

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1 case of --

2 THE COURT: Come up here, Miss Rosenberg.

3 (The following proceedings took place at
4 side-bar:)

5 THE COURT: What aren't you comfortable with?

6 PROSPECTIVE JUROR: I have two children. I'm a
7 single mother. I have two children, 18 and 20 years old.
8 You stated this is about a teenager. This comes too close
9 to home. I'm Jewish. I'm very protective of my daughters.
10 I don't think I could be fair and impartial. I have been
11 through the court system for the last 12 years.

12 THE COURT: Okay, Miss Rosenberg. We are not
13 going to have you sit on this case, okay? We are going to
14 have you sit on civil cases.

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: Thank you for your honesty.

17 PROSPECTIVE JUROR: Thank you.

18 THE COURT: Civil cases.

19 Miss Rosenberg is excused consent of both sides?

20 MR. BANDELLI: Absolutely.

21 MR. ROSENBLATT: Yes, your Honor.

22 (In open Court).

23 THE COURT: Fill that seat, please.

24 THE CLERK: Valentin Andrei, V-a-l-e-n-t-i-n, last
25 name A-n-d-r-e-i, seat number seven, please.

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1 THE COURT: Good afternoon Mr. Andrei.

2 PROSPECTIVE JUROR: Good afternoon, your Honor.

3 THE COURT: Were you able to hear the three basic
4 principles?

5 PROSPECTIVE JUROR: No problems.

6 THE COURT: You didn't hear them?

7 PROSPECTIVE JUROR: I heard them, yes.

8 THE COURT: Any problem following them?

9 PROSPECTIVE JUROR: No problems.

10 THE COURT: Thank you, Mr. Andrei.

11 Have you ever served as a juror before,
12 Mr. Andrei?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Ever been the victim of a crime?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Okay. You are all caught up.

17 Thank you, Mr. Andrei.

18 PROSPECTIVE JUROR: Thank you, your Honor.

19 THE COURT: Mr. Cusumano.

20 PROSPECTIVE JUROR: Yes. I had two cars robbed.

21 My garage was broken into and burglary of a house.

22 THE COURT: Did you call the police on those
23 occasions?

24 PROSPECTIVE JUROR: All three -- all four rather.

25 THE COURT: Anybody arrested?

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1 PROSPECTIVE JUROR: No.

2 THE COURT: Okay, and as I said before, all we ask
3 is that you place your memory of those aside and base your
4 verdict only on the evidence here in this case because
5 otherwise it wouldn't be fair, and you look like a fair
6 person. Do you have any problem doing that?

7 PROSPECTIVE JUROR: None at all.

8 THE COURT: Thank you, Mr. Cusumano.

9 Who else had their hand up in the back row?
10 Miss Gale.

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What happened to you, ma'am?

13 PROSPECTIVE JUROR: I was attacked in a subway.

14 THE COURT: You were attacked?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Come up, Miss Gale.

17 (The following proceedings took place at
18 side-bar:)

19 THE COURT: What happened to you in the subway?

20 PROSPECTIVE JUROR: I was getting off the subway.

21 I was at kind of a dead end of the subway.

22 THE COURT: What station was this?

23 PROSPECTIVE JUROR: 23 Street on the E line.

24 THE COURT: Down in Long Island City? In
25 Manhattan?

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1 PROSPECTIVE JUROR: In Manhattan. 23rd in
2 Manhattan, and a man was standing, there and he just
3 attacked me, and I screamed, and I was lucky because
4 somebody ran down, and the guy got away.

5 THE COURT: All right. Did you wind up going to
6 the hospital?

7 PROSPECTIVE JUROR: The police came, and I mean I
8 was bruised, but I didn't really need any medical attention.

9 I actually have another issue with this case
10 because I had a relative who sexually molested me when I was
11 a teenager. You know, it's kind of two-fold.

12 THE COURT: I'm sorry to bring back a bad memory.
13 So, you couldn't be fair in this case.

14 PROSPECTIVE JUROR: I would want to be, but I
15 don't know. I don't know.

16 THE COURT: We are going to have you sit on civil
17 cases only. Okay?

18 PROSPECTIVE JUROR: Say that again.

19 THE COURT: We are going to have you sit on civil
20 cases only so you don't have to listen to any criminal
21 cases. Sorry to bring up bad memories. Have a nice day.

22 PROSPECTIVE JUROR: Thank you.

23 THE COURT: Prospective juror Miss Gale is excused
24 consent of both sides?

25 MR. ROSENBLATT: Yes.

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1 MR. BANDELLI: Yes.

2 (In open court).

3 THE COURT: Fill that seat, please.

4 THE CLERK: Kenneth L. Sauer, S-a-u-e-r, seat
5 number 12, please.

6 THE COURT: All settled in there, Mr. Sauer?

7 PROSPECTIVE JUROR: I'm sorry. Okay.

8 THE COURT: Were you able to hear the three basic
9 principles?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Any problem following them?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Ever been on a jury before?

14 PROSPECTIVE JUROR: Civil.

15 THE COURT: Okay. Have you ever been the victim
16 of a crime?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: What happened to you?

19 PROSPECTIVE JUROR: I had a car stolen. It had
20 LoJack. I got it back. The guys got arrested.

21 THE COURT: Very good. You are all caught up.
22 You could be fair to both sides, correct?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Thank you.

25 Miss Weiss, did you have your hand up?

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1 PROSPECTIVE JUROR: Yes. I had a car stolen.

2 THE COURT: All right. That wouldn't give you a
3 problem sitting as a fair juror here; would it?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Good. All right.

6 Now, you heard me tell the lawyers that they can't
7 go into the facts of the case, but due to the nature of the
8 charges, these charges involve a sexual nature, and the
9 victim is a family member.

10 Anyone have a problem because of the nature of
11 those charges? Raise your hand.

12 Mr. Ratna, come up.

13 (The following proceedings took place at
14 side-bar:)

15 THE COURT: What's the problem you have?

16 PROSPECTIVE JUROR: Well, I'm very like family
17 oriented. So, like just the fact that he has been accused
18 of molesting a family member doesn't sit right with me.

19 Like a couple of other things. Like, I've known a
20 couple of girls who have been taken advantage of sexually
21 and have gone to counseling. I've seen how at first it
22 affected their lives, and I also work with children in
23 daycare for handicapped kids, and so --

24 THE COURT: So, you are telling me you can't be
25 fair in this case.

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1 PROSPECTIVE JUROR: I don't think so.

2 THE COURT: All right. We will have you sit on
3 civil cases only. Okay? Thank you for your honesty,
4 Mr. Ratna.

5 Mr. Ratna is excused consent of both sides?

6 MR. ROSENBLATT: Yes, your Honor.

7 MR. BANDELLI: Yes.

8 THE COURT: Miss Gugala, you have a problem,
9 ma'am?

10 PROSPECTIVE JUROR: Yes, I have a problem.

11 THE COURT: What is that?

12 PROSPECTIVE JUROR: I was sexually abused when I
13 was a child.

14 THE COURT: I'm sorry.

15 So you couldn't be fair in this case?

16 PROSPECTIVE JUROR: I don't want to be here.

17 THE COURT: Okay. Sorry to bring up a bad memory.
18 We are going to have you sit on civil cases only.

19 PROSPECTIVE JUROR: Okay. Thank you.

20 THE COURT: Miss Gugala is excused consent of both
21 sides?

22 MR. BANDELLI: Yes.

23 MR. ROSENBLATT: Yes.

24 THE COURT: Miss Napolitano, you have a problem
25 with the nature of these charges?

Proceedings

1 PROSPECTIVE JUROR: Yeah. I find sexual --

2 THE COURT: You what?

3 PROSPECTIVE JUROR: I find abuse of children very
4 upsetting and disturbing to me. I was up all night
5 stressing over having to be on this jury. I've been working
6 with children for the past 26 years. The courses I had to
7 take and the periodicals I had to read dealing with sexual
8 abuse, and it's something that children find very hard to
9 deal with and come forward with, and the majority of the
10 cases it's, you know, this has really happened to them.
11 It's not something they are making up when they have the
12 courage to come forward with it.

13 THE COURT: So, you are telling me you can't be
14 fair because of your job?

15 PROSPECTIVE JUROR: I don't think so.

16 THE COURT: Pardon me?

17 PROSPECTIVE JUROR: I don't think so.

18 THE COURT: All right. I appreciate your honesty.
19 I'm sorry to get you upset. We will have you sit on civil
20 cases only.

21 PROSPECTIVE JUROR: Thank you.

22 THE COURT: Thank you, Miss Napolitano.

23 Miss Napolitano excused consent of both sides?

24 MR. ROSENBLATT: Yes.

25 MR. BANDELLI: Yes.

Proceedings

1 THE COURT: Miss Jaworek, you have a problem
2 sitting on this case?

3 PROSPECTIVE JUROR: When I was 13 I was taken
4 advantage of by one of my friends that was a male. He was
5 older than me, and nothing had happened. I got out of the
6 situation, but this just bothers me.

7 THE COURT: All right. I'm sorry to bring up a
8 bad memory.

9 Based on that, you couldn't be fair in this case?

10 PROSPECTIVE JUROR: It just scares me. I don't
11 want to hear it.

12 THE COURT: Okay. We are going to have you sit on
13 civil cases. Okay?

14 PROSPECTIVE JUROR: Okay.

15 THE COURT: I'm sorry to get you upset. Just
16 follow the instruction of the court officer. Have a good
17 day, ma'am.

18 Prospective juror Miss Jaworek is excused consent
19 of both sides?

20 MR. ROSENBLATT: Yes.

21 MR. BANDELLI: Yes.

22 THE COURT: Mr. Abraham, what did you say?

23 PROSPECTIVE JUROR: Is he a sexual predator? I
24 live ten blocks away. This is concerning about the distance
25 from where he lives to my place.

Proceedings

1 THE COURT: Do you listen when I talk? I said he
2 is presumed innocent.

3 PROSPECTIVE JUROR: Yeah.

4 THE COURT: You haven't heard any evidence.

5 Is there anything about the nature of these
6 charges that would prevent you from being fair?

7 PROSPECTIVE JUROR: I can try to be fair.

8 THE COURT: Well, is it because it's close to
9 where you live?

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: Does that make you afraid?

12 PROSPECTIVE JUROR: Sort of like I have a lot of
13 nieces and nephews.

14 THE COURT: So, you think you could not be fair
15 because it's near your neighborhood?

16 PROSPECTIVE JUROR: I would be thinking of them,
17 but I could try to be fair as possible.

18 THE COURT: Well, the fact it's near your house,
19 do you think you would have a problem being fair?

20 PROSPECTIVE JUROR: No. I mean yeah. Well, yeah,
21 I can be fair. Sorry.

22 THE COURT: Would you be overprotective because
23 it's near your house?

24 PROSPECTIVE JUROR: I might be a little, yeah.

25 THE COURT: We are going to excuse are from this

Proceedings

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1 case, okay? Civil cases.

2 PROSPECTIVE JUROR: Okay.

3 THE COURT: Have a good day, Mr. Abraham.

4 Mr. Abraham is excused consent of both sides?

5 MR. ROSENBLATT: Yes.

6 MR. BANDELLI: Yes.

7 (In open court.)

8 THE COURT: Fill those five seats, please.

9 THE CLERK: Fernando Rodas, R-o-d-a-s, seat number
10 one, please.

11 Shakeen L. Johnson, S-h-a-k-e-e-n, last name
12 J-o-h-n-s-o-n, seat number two, please.

13 Nicole A. Alonzo, A-l-o-n-z-o, seat number six,
14 please.

15 Mahbub Ahmed, M-a-h-b-u-b, last name A-h-m-e-d,
16 seat number nine, please.

17 Flores J. Chabalik, C-h-a-b-a-l-i-k, seat number
18 13, please.

19 THE COURT: The five prospective jurors that just
20 came into the jury box, Mr. Rodas, Mr. Johnson, Miss Alonzo,
21 Mr. Ahmed and Miss Chabalik, did you all of you hear those
22 three basic principles of law?

23 PROSPECTIVE JUROR: Yes.

24 PROSPECTIVE JUROR: Yes.

25 PROSPECTIVE JUROR: Yes.

Proceedings

1 PROSPECTIVE JUROR: Yes.

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Any of you have a problem following
4 them?

5 PROSPECTIVE JUROR: No.

6 PROSPECTIVE JUROR: No.

7 PROSPECTIVE JUROR: No.

8 PROSPECTIVE JUROR: No.

9 PROSPECTIVE JUROR: No.

10 THE COURT: Any of you been the victim of crime?
11 Raise your hand.

12 None of you have been the victim of a crime.

13 Good.

14 Any of you served as a juror before in a criminal
15 case?

16 Miss Chabalik, about how many years ago?

17 PROSPECTIVE JUROR: Six.

18 THE COURT: And without telling me what it was,
19 were you able to reach a verdict?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Were you satisfied with that verdict?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: What was the charge in that case? Do
24 you remember?

25 PROSPECTIVE JUROR: It was a burglary.

Proceedings

1 THE COURT: A burglary?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Okay, and you heard the nature of the
4 charges here. Anyone have a problem sitting on this case
5 due to the nature of the charges? Raise your hand.

6 Mr. Johnson, come up, please.

7 (The following proceedings took place at
8 side-bar:)

9 THE COURT: What problem do you have, Mr. Johnson?

10 PROSPECTIVE JUROR: Well, I have an 11 year old
11 daughter, and I'm currently in Family Court. Her mother
12 remarried, and I'm having problems with the step-dad, sort
13 of similar. So, listening to this case like angers me.

14 THE COURT: So, you are telling me you couldn't be
15 fair --

16 PROSPECTIVE JUROR: No.

17 THE COURT: -- based upon what you are going
18 through yourself?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: All right. I appreciate your honesty.
21 I'm going to have you sit on civil cases. Good luck with
22 your situation, Mr. Johnson.

23 PROSPECTIVE JUROR: Thank you.

24 THE COURT: Civil cases.

25 Prospective juror Mr. Johnson is excused consent

Proceedings

1 of both sides?

2 MR. ROSENBLATT: Yes.

3 MR. BANDELLI: Yes.

4 THE COURT: Miss Alonzo, what problem do you have,
5 Miss Alonzo?

6 PROSPECTIVE JUROR: This past year I was sexually
7 harassed by one of my bosses at work.

8 THE COURT: Okay. You are telling me you couldn't
9 be fair in this case?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: I'm going to have you sit on civil
12 cases only, okay?

13 PROSPECTIVE JUROR: Thank you.

14 THE COURT: Thank you, Miss Alonzo.

15 Prospective juror Miss Alonzo is excused consent
16 of both sides?

17 MR. ROSENBLATT: Yes.

18 MR. BANDELLI: Yes.

19 THE COURT: Miss Gajagharsingh.

20 PROSPECTIVE JUROR: Hi. I just concerned. I'm an
21 X ray technician.

22 THE COURT: A what?

23 PROSPECTIVE JUROR: X ray technologist, and I have
24 seen --

25 THE COURT: You work in a hospital?

Proceedings

1 PROSPECTIVE JUROR: Yes, and we have seen a lot of
2 child abuse cases come over to us, and I have been there to
3 X ray them. So, I don't know if this is going to make, you
4 know --

5 THE COURT: If it's going to what?

6 PROSPECTIVE JUROR: If it's going to have me --

7 THE COURT: There is no X rays involved here.

8 PROSPECTIVE JUROR: Okay. Okay. It's just my
9 concern.

10 THE COURT: You would have no problem being fair
11 here; would you?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. Are you looking to go back to
14 work? Is that what you are trying to do?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Okay. Thank you for bringing that to
17 our attention.

18 (In open court.)

19 THE COURT: Fill those two seats, please.

20 THE CLERK: Jasmine N. Tillman, T-i-l-l-m-a-n,
21 please take seat number two.

22 Arthur Luk, L-u-k, please take seat number six.

23 THE COURT: Thank you.

24 Good afternoon, Miss Tillman and Mr. Luk. Both of
25 you hear those three basic principles I related?

Proceedings

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Do either of you have a problem
3 following them?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Either of you been the victim of a
6 crime?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: What happened to you?

9 PROSPECTIVE JUROR: My house was broken into.

10 THE COURT: Your house was broken into?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: How many years ago?

13 PROSPECTIVE JUROR: Three years ago.

14 THE COURT: Were the police called?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Anyone arrested?

17 PROSPECTIVE JUROR: No.

18 THE COURT: That wouldn't give you a problem
19 sitting as a fair juror here; would it?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Did you say you were the victim of a
22 crime?

23 PROSPECTIVE JUROR: No.

24 THE COURT: You heard the nature of the charges
25 here. Do you have a problem with that?

Proceedings

1 PROSPECTIVE JUROR: No.

2 PROSPECTIVE JUROR: No.

3 THE COURT: Either of you served as a juror
4 before?

5 PROSPECTIVE JUROR: No.

6 PROSPECTIVE JUROR: No.

7 THE COURT: Okay. You are all caught up.

8 Anyone here in the jury box or anyone close to you
9 ever been arrested or accused of a crime? Either you or
10 anyone close to you, whether it's a close relative or a
11 friend, been arrested or accused of a crime. Please raise
12 your hand.

13 Miss Tillman, come up, please.

14 (The following proceedings took place at
15 side-bar:)

16 THE COURT: Who do you know that was arrested?

17 PROSPECTIVE JUROR: Two of my cousins.

18 THE COURT: Two of your cousins?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: How long ago?

21 PROSPECTIVE JUROR: A few years ago.

22 THE COURT: Were they arrested together?

23 PROSPECTIVE JUROR: No. Separately.

24 THE COURT: Okay, and are these male or female?

25 PROSPECTIVE JUROR: Male.

Proceedings

1 THE COURT: Okay. What were the charges?

2 PROSPECTIVE JUROR: One of them was a weapon. I
3 don't remember the other one.

4 THE COURT: All right. What happened to the
5 cousin that was charged with a weapon?

6 PROSPECTIVE JUROR: He was in jail for like a few
7 years.

8 THE COURT: A few years.

9 PROSPECTIVE JUROR: The other one was in jail for
10 like over ten years.

11 THE COURT: Ten years.

12 You don't remember what the charge was?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Did you ever visit him in prison?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Visit the other cousin in prison?

17 PROSPECTIVE JUROR: No.

18 THE COURT: The cousin that was charged with a
19 weapon, do you know if he was arrested inside a car or out
20 on the street?

21 PROSPECTIVE JUROR: I really don't know.

22 THE COURT: You are not that close to the cousin?

23 PROSPECTIVE JUROR: No. I just heard.

24 THE COURT: Okay. Do you know if they went to
25 trial or if they pled guilty?

Proceedings

1 PROSPECTIVE JUROR: I don't know. I know one of
2 them really got out of jail.

3 THE COURT: How is he doing now?

4 PROSPECTIVE JUROR: He is doing well. He is in
5 school.

6 THE COURT: Have you seen him since he got out?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: He is doing good?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Did he ever talk about what he was
11 charged with?

12 PROSPECTIVE JUROR: No. He doesn't talk about
13 that, at least not with me.

14 THE COURT: Any bad feelings towards the Police
15 Department or DA's office what happened to your cousins?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Okay. Can you be fair in this case?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Take your seat. Thank you.

20 Miss Kucuk, who do you know that was arrested?

21 PROSPECTIVE JUROR: My brother.

22 THE COURT: How long ago?

23 PROSPECTIVE JUROR: Eight years ago.

24 THE COURT: And what was he charged with?

25 PROSPECTIVE JUROR: He got into a fight, and they

Proceedings

1 just -- the detective came and took him the next day at his
2 house.

3 THE COURT: What precinct?

4 PROSPECTIVE JUROR: In Forest Hills. Austin
5 Street.

6 THE COURT: Who did he have a fight with?

7 PROSPECTIVE JUROR: It was so long ago. It was
8 some kids. He was like 18.

9 THE COURT: Okay. Did you talk to him about it?

10 PROSPECTIVE JUROR: My parents did.

11 THE COURT: I guess he won the fight.

12 PROSPECTIVE JUROR: It was back in high school,
13 Forest Hills.

14 THE COURT: What happened to his case?

15 PROSPECTIVE JUROR: It got dropped because he had
16 no charges against him.

17 THE COURT: Did he spend the night in jail?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: That was it?

20 PROSPECTIVE JUROR: That was it.

21 THE COURT: Okay. Any bad feelings towards the
22 criminal justice system?

23 PROSPECTIVE JUROR: No.

24 THE COURT: You think he was treated fairly or
25 unfairly?

Proceedings

1 PROSPECTIVE JUROR: My boyfriend is a police
2 officer. His brother is a police officer. His uncle is a
3 retired police officer, and I feel strongly against that
4 like I would believe a police officer over a criminal or a
5 suspect.

6 THE COURT: I asked if you thought your brother
7 was treated fairly. What does that have to do with all of
8 the cops in the family?

9 PROSPECTIVE JUROR: I just figured I would tell
10 you.

11 THE COURT: You figured you don't want to sit on
12 this case.

13 PROSPECTIVE JUROR: No. I figured I would let you
14 know now.

15 THE COURT: So, you couldn't follow my instruction
16 on how to evaluate a police officer's testimony.

17 PROSPECTIVE JUROR: I would believe a police
18 officer. They are sworn in and not supposed to lie.

19 THE COURT: Okay. We are going to have you sit on
20 civil cases. Okay?

21 PROSPECTIVE JUROR: Okay.

22 THE COURT: Thank you for your honesty.

23 Miss Kucuk is excused consent of both sides?

24 MR. ROSENBLATT: Yes.

25 MR. BANDELLI: Yes.

Proceedings

1 THE COURT: Miss Williams, come up. How are you?

2 PROSPECTIVE JUROR: Fine.

3 THE COURT: Who do you know that was arrested.

4 PROSPECTIVE JUROR: I didn't raise my hand.

5 THE COURT: Anyone else raise their hand in the
6 back? Sorry.

7 PROSPECTIVE JUROR: The person next to me.

8 THE COURT: Come up, Miss Weiss. Who do you know
9 that was arrested?

10 PROSPECTIVE JUROR: A cousin of mine.

11 THE COURT: How long ago?

12 PROSPECTIVE JUROR: A number of years ago. I
13 don't know exactly when.

14 THE COURT: What was he charged with?

15 PROSPECTIVE JUROR: White collar. Some sort of
16 white collar crime.

17 THE COURT: What happened to his case?

18 PROSPECTIVE JUROR: It was something to do with
19 the Department of Labor.

20 THE COURT: What happened to his case? Did he
21 wind up --

22 PROSPECTIVE JUROR: Yes, he was --

23 THE COURT: He went to prison?

24 PROSPECTIVE JUROR: Yes, he did serve.

25 THE COURT: How long did he go to prison for?

Proceedings

1 PROSPECTIVE JUROR: Maybe about three years.

2 THE COURT: Was that in New York?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Was that prosecuted by the federal
5 government?

6 PROSPECTIVE JUROR: I don't know exactly. It was
7 the Department of Labor. Something to do with them.

8 THE COURT: Do you know if he went to trial or did
9 he plead guilty?

10 PROSPECTIVE JUROR: He pled guilty.

11 THE COURT: He pled guilty?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: He is out of prison now?

14 PROSPECTIVE JUROR: Excuse me?

15 THE COURT: He is out of prison now?

16 PROSPECTIVE JUROR: Yes, he is.

17 THE COURT: Did you visit him in prison?

18 PROSPECTIVE JUROR: No. I was much younger.

19 THE COURT: Not a close cousin.

20 PROSPECTIVE JUROR: Yeah, he is a close cousin,
21 but I really didn't know all of the details about it, you
22 know.

23 THE COURT: Okay. Anything about that that would
24 give you a problem sitting as a fair juror here?

25 PROSPECTIVE JUROR: No.

Proceedings

1 THE COURT: You can be fair to both sides?

2 PROSPECTIVE JUROR: Excuse me?

3 THE COURT: You can be fair to both sides?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Thank you, Miss Weiss.

6 Mr. Ahmed, what is the problem?

7 PROSPECTIVE JUROR: I can't understand English
8 very much.

9 THE COURT: You what?

10 PROSPECTIVE JUROR: I cannot understand English
11 very much.

12 THE COURT: Okay. How long have you been in the
13 country?

14 PROSPECTIVE JUROR: Almost six years.

15 THE COURT: Six years.

16 Are you working?

17 PROSPECTIVE JUROR: Yeah.

18 THE COURT: What do you do?

19 PROSPECTIVE JUROR: Cab trip.

20 THE COURT: What?

21 PROSPECTIVE JUROR: Drive a cab.

22 THE COURT: Off the record.

23 (Discussion held off the record.)

24 THE COURT: What kind of a cab do you drive?

25 PROSPECTIVE JUROR: Yellow.

Proceedings

1 THE COURT: It's very important in a criminal case
2 that a juror understands English a hundred percent.

3 PROSPECTIVE JUROR: Which I can't understand.

4 THE COURT: So, I appreciate you being a good
5 citizen and coming in for jury duty, but we are going to
6 excuse you from jury duty. Okay?

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: Do you understand that?

9 PROSPECTIVE JUROR: I go home? No more?

10 THE COURT: Off the record.

11 (Discussion held off the record.)

12 THE COURT: Mr. Ahmed is excused consent of both
13 sides?

14 MR. ROSENBLATT: Yes.

15 MR. BANDELLI: Yes.

16 (In open court.)

17 THE COURT: Fill those two seats, please.

18 THE CLERK: Mary D Muzio, M-u-z-i-o, seat number
19 nine, please.

20 Ezra Owstfeld, O-w-s-t-f-e-l-d, seat number 11,
21 please.

22 THE COURT: Good afternoon, Miss Muzio.

23 PROSPECTIVE JUROR: Good afternoon.

24 THE COURT: And Mr. Owstfeld.

25 PROSPECTIVE JUROR: Good afternoon.

Proceedings

1 THE COURT: Both of you heard the three basic
2 principles?

3 PROSPECTIVE JUROR: Yes.

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Any problem following them?

6 PROSPECTIVE JUROR: No.

7 PROSPECTIVE JUROR: No.

8 THE COURT: Ever served as a juror before on a
9 criminal case?

10 PROSPECTIVE JUROR: No.

11 PROSPECTIVE JUROR: No.

12 THE COURT: Ever been the victim of a crime?

13 PROSPECTIVE JUROR: No.

14 PROSPECTIVE JUROR: Yes. Car stolen.

15 THE COURT: You would have no problem being fair
16 here; would you?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Any problems sitting on this case due
19 to the nature of the charges?

20 Come up, Miss Muzio.

21 (The following proceedings took place at
22 side-bar:)

23 PROSPECTIVE JUROR: Being a grandparent and having
24 teenage nieces, it would be difficult for me to listen to
25 this testimony.

Proceedings

1 THE COURT: It's difficult for everybody.

2 PROSPECTIVE JUROR: I know.

3 THE COURT: Do you think that would affect your
4 ability to be fair?

5 PROSPECTIVE JUROR: It would be difficult.

6 THE COURT: Well, what are you telling me?

7 PROSPECTIVE JUROR: I'm going to tell you the
8 truth. If it was my daughter and the facts weren't true, I
9 would never have to put her through this situation. So, I
10 feel, you know, that there was a problem here.

11 THE COURT: You are telling me you can't be fair
12 on this case?

13 PROSPECTIVE JUROR: Probably.

14 THE COURT: All right. We are going to have you
15 sit on civil cases. Thank you, Miss Muzio.

16 Prospective juror Miss Muzio is excused consent of
17 both sides?

18 MR. ROSENBLATT: Yes.

19 MR. BANDELLI: Yes.

20 (In open court.)

21 THE COURT: Fill that seat, please.

22 THE CLERK: Lauren M. Adrabma, A-d-r-a-b-m-a, seat
23 number nine, please.

24 THE COURT: Good afternoon, Miss Adrabma. How are
25 you today?

Proceedings

1 PROSPECTIVE JUROR: Good.

2 THE COURT: Were you able to hear the three basic
3 principles?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Any problem following them?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Any problem with the nature of the
8 charges?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Have you ever served as a juror before
11 on a criminal case?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Ever been the victim of a crime?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Have you and you, Mr. Owstfeld, or
16 anyone close to you ever been arrested or accused of a
17 crime?

18 PROSPECTIVE JUROR: No.

19 PROSPECTIVE JUROR: No.

20 THE COURT: Good. You are all caught up.

21 Next question. Anyone here in the jury box or
22 anyone close to you have a job working in law enforcement?
23 That is police officer, court officer, correction officer.
24 Anyone here or anyone close to you have jobs like that?
25 Please raise your hand. Thank you.

Proceedings

1 Miss Tillman, who do you know?

2 PROSPECTIVE JUROR: One of my cousins is a police
3 officer, and another one is a correction officer at Riker's.

4 THE COURT: Do you know where your cousin the
5 police officer works?

6 PROSPECTIVE JUROR: In Brooklyn.

7 THE COURT: In Brooklyn?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You heard why I asked that question.
10 Do you have any problem following my instructions on the law
11 and how to listen to a police officer's testimony?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Good. Thank you, Miss Tillman.

14 Miss Santaromita, who do you know?

15 PROSPECTIVE JUROR: My brother is a retired NYPD
16 captain and my brother-in-law is a retired police officer,
17 also.

18 THE COURT: All right. Where did your brother
19 work?

20 PROSPECTIVE JUROR: In headquarters.

21 THE COURT: Okay, and when did he retire?

22 PROSPECTIVE JUROR: About three years ago.

23 THE COURT: All right. I'm sure you could tell
24 the rest of the jurors that a police officer is just as
25 human as anyone in this courtroom.

Proceedings

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: You have no problem following my
3 instructions; would you?

4 PROSPECTIVE JUROR: No.

5 THE COURT: You would be able to judge a police
6 officer's testimony the same as a civilian?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Thank you.

9 Mr. Owstfeld, who do you know?

10 PROSPECTIVE JUROR: My brother works for the FBI.

11 THE COURT: Is he an agent?

12 PROSPECTIVE JUROR: No, he is an analyst.

13 THE COURT: Pardon me?

14 PROSPECTIVE JUROR: He is an analyst.

15 THE COURT: Okay. You would have no problem
16 following my instructions; would you?

17 PROSPECTIVE JUROR: No problem.

18 THE COURT: Mr. Cusumano.

19 PROSPECTIVE JUROR: I have quite a few friends who
20 are police officers. You know, I grew up with a court
21 officer and police officers.

22 THE COURT: Okay. You would have no problem
23 following my instructions; would you?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Thank you.

Proceedings

1 Anyone else have their hand up?

2 Now, we come to your background questions. I'm
3 going to ask you all the same questions as I did the first
4 group. By the time I get to you, Miss Santaromita, you will
5 have all of the information and so will everyone else after
6 you.

7 Mr. Rodas, what part of Queens do you live in?

8 PROSPECTIVE JUROR: Sunnyside.

9 THE COURT: How long have you lived in Sunnyside?

10 PROSPECTIVE JUROR: For about a year.

11 THE COURT: Where did you live before that?

12 PROSPECTIVE JUROR: Manhattan.

13 THE COURT: How long did you live in Manhattan.

14 PROSPECTIVE JUROR: For a year.

15 THE COURT: Pardon me?

16 PROSPECTIVE JUROR: For a year.

17 THE COURT: Where did you live before that?

18 PROSPECTIVE JUROR: Astoria for two years, and
19 before that I grew up in Richmond Hill.

20 THE COURT: And marital status. Any children?

21 PROSPECTIVE JUROR: No children. Live-in
22 girlfriend.

23 THE COURT: Are you working?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: What do you do?

Proceedings

1 PROSPECTIVE JUROR: Academic manager at a
2 psychiatric clinic and institute.

3 THE COURT: Okay. Do you own your own home or
4 rent?

5 PROSPECTIVE JUROR: Rent.

6 THE COURT: Thank you very much.

7 Miss Tillman, what part of Queens do you live in?

8 PROSPECTIVE JUROR: Jamaica.

9 THE COURT: How long have you lived in Jamaica?

10 PROSPECTIVE JUROR: Four years.

11 THE COURT: Where did you live before that?

12 PROSPECTIVE JUROR: South Ozone Park for about
13 five years, and then I lived in Queens Village for about
14 three, and before that lived in Rosedale for about five, and
15 before that I was born in Brooklyn, and I lived there for
16 two years.

17 THE COURT: What is your favorite spot?

18 PROSPECTIVE JUROR: Rosedale.

19 THE COURT: And marital status. Any children?

20 PROSPECTIVE JUROR: I'm single. No children.

21 THE COURT: And are you working?

22 PROSPECTIVE JUROR: I'm currently in retail.

23 THE COURT: And you live at home?

24 PROSPECTIVE JUROR: Yes. I live with my parents,
25 and I go to school full time.

Proceedings

1 THE COURT: What are you studying?

2 PROSPECTIVE JUROR: Physical therapy.

3 THE COURT: Good luck to you.

4 PROSPECTIVE JUROR: Thank you.

5 THE COURT: Miss Quatela.

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: What part of Queens do you live in?

8 PROSPECTIVE JUROR: Astoria.

9 THE COURT: How long have you lived there?

10 PROSPECTIVE JUROR: 35 years.

11 THE COURT: Are you working?

12 PROSPECTIVE JUROR: I just recently retired from
13 teaching.

14 THE COURT: What level did you teach?

15 PROSPECTIVE JUROR: Elementary.

16 THE COURT: In the city system?

17 PROSPECTIVE JUROR: No. No. Copiague, Long
18 Island.

19 THE COURT: Marital status. Any children?

20 PROSPECTIVE JUROR: I'm married. I have one son.

21 THE COURT: And do you own your own home in
22 Astoria?

23 PROSPECTIVE JUROR: Yes, I do.

24 THE COURT: What are you going to do now that you
25 are retired?

Proceedings

1 PROSPECTIVE JUROR: Garden, read, walk, swim,
2 enjoy life, spend time with family and friends.

3 THE COURT: And serve on jury duty, right?

4 PROSPECTIVE JUROR: Absolutely.

5 THE COURT: Thank you.

6 Miss Effendy, what part of Queens do you live in?

7 PROSPECTIVE JUROR: Woodside.

8 THE COURT: How long have you lived in Woodside?

9 PROSPECTIVE JUROR: About six years.

10 THE COURT: Where did you live before that?

11 PROSPECTIVE JUROR: Jackson Heights.

12 THE COURT: You didn't go far.

13 PROSPECTIVE JUROR: Yeah.

14 THE COURT: Marital status. Any children?

15 PROSPECTIVE JUROR: I'm married and two children.

16 THE COURT: Do you work?

17 PROSPECTIVE JUROR: No.

18 THE COURT: When you do work, what do you do?

19 PROSPECTIVE JUROR: I was working accounting.

20 THE COURT: Accounting?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay, and do you own your own home in
23 Woodside?

24 PROSPECTIVE JUROR: No.

25 THE COURT: You rent?

Proceedings

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Thank you, Miss Effendy.

3 All right. Miss Santaromita.

4 PROSPECTIVE JUROR: I lived in Flushing my whole
5 life, and I'm single. Me and my mother have an accounting/
6 bookkeeping service. We are self-employed, and I own my own
7 home.

8 THE COURT: Very nice.

9 Do you ever see balance sheets?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: All of the time, right?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Assets, liabilities.

14 PROSPECTIVE JUROR: Yes. They equal.

15 THE COURT: We had a student her earlier. Bottom
16 of the columns have to what?

17 PROSPECTIVE JUROR: Equal.

18 THE COURT: That's proof to a mathematical
19 certainty. The ADA has to prove the defendant guilty beyond
20 a reasonable doubt. I'll explain that term later. I'll
21 explain now it does not mean to a mathematical certainty.
22 Does everybody here realize that?

23 In dealing with human beings and human events, we
24 know nothing with absolute certainty. You all realize that?

25 Okay. Thank you very much, ma'am.

Proceedings

1 Mr. Luk.

2 PROSPECTIVE JUROR: I've lived in Flushing for ten
3 years. Before that I was in Glen Cove, Long Island.

4 THE COURT: Where?

5 PROSPECTIVE JUROR: Glen Cove.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: I'm not employed. I recently
8 graduated. Single, and I currently live at home with my
9 parents.

10 THE COURT: What did you study in school?

11 PROSPECTIVE JUROR: Business marketing.

12 THE COURT: Good luck to you.

13 PROSPECTIVE JUROR: Thank you.

14 THE COURT: Mr. Andrei.

15 PROSPECTIVE JUROR: I'm living in Astoria for
16 seven years. I'm married. I have a child, a boy. I'm a
17 doorman.

18 THE COURT: You are what?

19 PROSPECTIVE JUROR: A doorman.

20 THE COURT: A doorman?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Local 32?

23 PROSPECTIVE JUROR: Local 32J.

24 THE COURT: Okay, and do you own your own home or
25 rent?

Proceedings

1 PROSPECTIVE JUROR: No, I rent.

2 THE COURT: Okay. Thank you, Mr. Andrei.

3 PROSPECTIVE JUROR: Thank you, your Honor.

4 THE COURT: Mr. Ceja.

5 PROSPECTIVE JUROR: I've been living in Flushing
6 my whole life. Single. No children. I work in retail.
7 Going to school full time studying physical therapy. I live
8 with my parents.

9 THE COURT: All right. Good luck to you. Thank
10 you.

11 Miss Adrabma.

12 PROSPECTIVE JUROR: I live in Howard Beach my
13 whole life, 21 years. I'm a full-time student. Part-time
14 work I do at an events office. We own our own home. What
15 else?

16 THE COURT: You covered it all.
17 What are you studying?

18 PROSPECTIVE JUROR: Biology and environmental
19 health.

20 THE COURT: Are you thinking of being a
21 veterinarian?

22 PROSPECTIVE JUROR: Maybe.

23 THE COURT: Good luck to you.

24 PROSPECTIVE JUROR: Thank you.

25 THE COURT: Mr. Cusumano.

Proceedings

1 PROSPECTIVE JUROR: I'm retired now. I own my own
2 home. Living in Whitestone. Been there for 31 years, and
3 prior to that I grew up in Astoria.

4 THE COURT: What did you do before you retired?

5 PROSPECTIVE JUROR: I'm a retired fireman.
6 Retired nine years ago.

7 THE COURT: Which borough did you work in?

8 PROSPECTIVE JUROR: All. I worked Manhattan,
9 Queens and Brooklyn.

10 THE COURT: All right. Very nice. Thank you,
11 sir.

12 Mr. Owstfeld.

13 PROSPECTIVE JUROR: I live in Jamaica Estates my
14 whole life, 23 years. I just finished college and looking
15 for a job now. Single and live with my parents.

16 THE COURT: All right. What did you study in
17 school?

18 PROSPECTIVE JUROR: Mechanical engineering.

19 THE COURT: Good luck to you, sir.

20 PROSPECTIVE JUROR: Thank you.

21 THE COURT: Mr. Sauer.

22 PROSPECTIVE JUROR: I was born in Maspeth. Lived
23 there all of my life. I just recently retired last month
24 from the phone company. I have three kids, and what else?

25 THE COURT: Do you own your own home?

Proceedings

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: What are you going to do now that you
3 are retired?

4 PROSPECTIVE JUROR: I don't know. I'm going to
5 spend the summer up in my house in New Hampshire. Then
6 after that I'll just probably move onto something else. I'm
7 still young. I don't know what yet.

8 THE COURT: Too young to retire.

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Good luck to you.

11 PROSPECTIVE JUROR: Thank you.

12 THE COURT: Miss Chabalik.

13 PROSPECTIVE JUROR: I live in Woodhaven 28 years.
14 Prior to that I lived in Rego Park. I'm a registered nurse
15 in recovery room for 19 years, and I'm married. I have two
16 sons, and they are -- well, one is married. One is
17 divorced.

18 THE COURT: Do you own your own home?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Thank you.

21 Miss Williams.

22 PROSPECTIVE JUROR: Go to school at John Jay
23 College for forensic psychology. I rent. No kids. Single,
24 and I work at the New York Blood Center as a lab assistant.

25 THE COURT: Very nice.

Proceedings

1 Are you going to study forensic psychology?

2 PROSPECTIVE JUROR: Yes, but I'm not really sure
3 right now.

4 THE COURT: That's an interesting field. Thank
5 you.

6 Miss Weiss.

7 PROSPECTIVE JUROR: I'm in Forest Hills about 17
8 years. Prior to that in the Bronx, and then prior to that
9 in Manhattan.

10 THE COURT: Are you working?

11 PROSPECTIVE JUROR: Yes. I'm a fiduciary
12 accountant at a law firm.

13 THE COURT: Do you own your own home in Forest
14 Hills?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Thank you.

17 Miss Singh.

18 PROSPECTIVE JUROR: Gajagharsingh.

19 I live in Queens Village for five years. Prior to
20 that I lived in South Ozone Park five years. I'm an X ray
21 technician. I have two daughters, and I'm married.

22 THE COURT: Thank you very much, ma'am.

23 COURT OFFICER: Jurors entering.

24 (Panel of sworn jurors enters the courtroom.)

25 THE COURT: Members of the jury, we are going to

Proceedings

1 take a luncheon recess. You are not to discuss this case
2 among yourselves or with anyone else. If anyone tries to
3 discuss it with you, you are to bring it to my attention
4 immediately. You are not to visit any locations that have
5 been mentioned so far during the course of this trial, and
6 you are not to form any opinion as to whether or not you
7 feel the defendant is guilty or not guilty of the crimes
8 with which he is charged.

9 Enjoy your lunch. There are plenty of nice places
10 across the boulevard. Be careful crossing Queens Boulevard.
11 Some of the drivers there don't pay attention. We don't
12 want to lose any jurors, okay? Enjoy your lunch. Come back
13 here at 2 o'clock.

14 Thank you.

15 (Panel of prospective jurors exits the courtroom.)

16 (Panel of sworn jurors exits the courtroom.)

17 THE COURT: 2 o'clock, please. Put Mr. Gopaul
18 back in.

19 (Luncheon recess taken.)

20 * * *

21 THE CLERK: Bring out the defendant on trial,
22 please.

23 THE COURT: Yes, Mr. Bandelli.

24 THE CLERK: Case on trial. All parties are
25 presents.

Proceedings

1 MR. BANDELLI: Just a couple of things, Judge.

2 Number one, I received a witness from the DA
3 yesterday. I anticipate -- I have an investigator out now
4 working on locating witnesses on behalf of my client. I
5 anticipate having a witness list by tomorrow morning prior
6 to opening statements.

7 On his witness list though -- I don't know whether
8 or not one of the witnesses he intends to call is an expert
9 or not. Nobody is identified as an expert. I wanted to
10 know whether or not he intended to call an expert in this
11 case.

12 MR. ROSENBLATT: Dr. Lewittes. If I call
13 Dr. Lewittes.

14 THE COURT: Doctor who?

15 MR. ROSENBLATT: Dr. Lewittes. I would proffer
16 that doctor as an expert.

17 THE COURT: Expert in what?

18 MR. ROSENBLATT: In intrafamilial child sexual
19 abuse.

20 THE COURT: You got that, Mr. Bandelli?

21 MR. BANDELLI: I got that. I mean right now,
22 without more, I'm going to object to the introduction of any
23 expert testimony unless I know a little bit more about this
24 intrafamilial whatever he just said and why it requires
25 expert testimony in this particular case.

Proceedings

1 THE COURT: You would be asking for an offer of
2 proof then?

3 MR. BANDELLI: Absolutely, Judge.

4 THE COURT: I'd be anxious to hear the offer of
5 proof on this.

6 MR. ROSENBLATT: At this particular time, your
7 Honor?

8 THE COURT: Not now.

9 MR. ROSENBLATT: Okay.

10 THE COURT: Anything else, Mr. Bandelli?

11 MR. BANDELLI: Yes, one more thing. I know you
12 are not going to be happy with me, but I just -- I need to
13 put this on the record. I understand that you are trying to
14 explain to the jurors the meaning of reasonable doubt. When
15 you do that example with the balancing sheet, and I get
16 that, but my concern is when you say that there is no such
17 thing as absolute certainty, that, you know, sort of strikes
18 me as an improper statement. So, I would object to that.

19 THE COURT: That's in my charge.

20 MR. BANDELLI: If it's in the charge it's in the
21 charge, you know.

22 THE COURT: The statement is basically when you
23 are dealing with human affairs, we know nothing with
24 absolute certainty.

25 MR. BANDELLI: Okay. Well, that particular

Proceedings

1 language.

2 THE COURT: That's from the CJI.

3 MR. BANDELLI: I may be totally off base.

4 THE COURT: No. No. You are entitled.

5 MR. BANDELLI: But to me it just it sounded, you
6 know, objectionable.

7 THE COURT: It's a phrase from the charge, and I
8 will not repeat it.

9 MR. BANDELLI: Thank you, Judge.

10 THE COURT: Okay. I'll wait until the charge at
11 the end.

12 MR. BANDELLI: Thank you, sir.

13 THE COURT: Bring the jurors in. You both consent
14 to having the sworn jurors sit in the back for the next
15 round?

16 MR. BANDELLI: That's fine with me.

17 MR. ROSENBLATT: Whatever your Honor prefers.

18 THE COURT: Thank you.

19 (Panel of prospective jurors enters the
20 courtroom.)

21 THE CLERK: Case on trial. All parties are
22 present.

23 THE COURT: Miss Santaromita, come on up, please.

24 (The following proceedings took place at
25 side-bar:)

Proceedings

1 THE COURT: I understand that you had indicated to
2 a court officer that you had problem due to the fact that
3 you and your mother run this small business.

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: And it would place an undue burden on
6 her.

7 PROSPECTIVE JUROR: On me, too.

8 THE COURT: How many people work there?

9 PROSPECTIVE JUROR: Just me and her. I would make
10 no money.

11 THE COURT: That would pose an economic hardship?

12 PROSPECTIVE JUROR: Yes. A couple of days is okay
13 but a week or more is got good.

14 THE COURT: Okay. We will excuse you from this
15 case --

16 PROSPECTIVE JUROR: Thank you.

17 THE COURT: -- based on your economic hardship.
18 Off the record.

19 (Discussion held off the record.)

20 THE COURT: Miss Santaromita is excused consent of
21 both sides?

22 MR. ROSENBLATT: Yes.

23 MR. BANDELLI: Yes.

24 (In open court.)

25 THE COURT: Mr. DA, you may proceed.

Proceedings

1 MR. ROSENBLATT: Thank you.

2 Good afternoon. Thank you for returning.

3 Mr. Rodas, this morning when I spoke to the other
4 jurors, potential jurors, that were sitting in the seats, I
5 was talking to them about the fact that if you are chosen as
6 a juror in this case and the judge told you what the nature
7 of the allegations are, that the burden of proof remains the
8 same, beyond a reasonable doubt. It doesn't go up or down
9 based upon the nature of the charges. You understand that?

10 PROSPECTIVE JUROR: Yes.

11 MR. ROSENBLATT: Do you have any problem with
12 that?

13 PROSPECTIVE JUROR: No.

14 MR. ROSENBLATT: Miss Tillman.

15 PROSPECTIVE JUROR: No.

16 MR. ROSENBLATT: How about you, Miss Quatela?

17 PROSPECTIVE JUROR: No.

18 MR. ROSENBLATT: Miss Affendy.

19 PROSPECTIVE JUROR: No.

20 MR. ROSENBLATT: You all understand that whether
21 the defendant is charged with a larceny from Macy's,
22 assault, robbery, burglary, the burden of proof remains the
23 same no matter what the charges are.

24 Mr. Luk, can you appreciate that?

25 PROSPECTIVE JUROR: Yes.

Proceedings

1 MR. ROSENBLATT: Mr. Andrei, you heard the judge
2 say this morning one of the basic rules is the defendant is
3 presumed innocent. You understand that, right?

4 PROSPECTIVE JUROR: Yes.

5 MR. ROSENBLATT: He is presumed innocent during
6 the entire trial. You understand, Mr. Andrei, that if
7 somebody walked in this courtroom right now, came into the
8 well where I'm standing and shot me dead right in front of
9 all of you, in front of the judge, in front of the court
10 clerk, the stenographer --

11 MR. BANDELLI: Objection, Judge.

12 THE COURT: Overruled.

13 MR. ROSENBLATT: -- in front of all of the people
14 in the back, the potential jurors as witnesses, that that
15 man, too, would be presumed innocent.

16 MR. BANDELLI: Objection, Judge.

17 THE COURT: Overruled.

18 MR. ROSENBLATT: You understand that, Mr. Andrei?

19 PROSPECTIVE JUROR: Of course.

20 MR. ROSENBLATT: The presumption of innocence
21 applies to everybody in all cases. Mr. Sauer, you
22 understand that?

23 PROSPECTIVE JUROR: Yes.

24 MR. ROSENBLATT: It doesn't matter what the
25 allegations are. In every case, Miss Chabalik, the

Proceedings

1 defendant is presumed innocent. You have no problem with
2 that, correct?

3 PROSPECTIVE JUROR: No.

4 MR. ROSENBLATT: Now, you heard me talk about TV
5 shows and real life versus courtroom drama. Everybody has
6 seen courtroom TV. CSI, Law and Order, Boston Legal, LA Law
7 if you used to watch TV in the '80s. Those are all
8 courtroom dramas. Totally different than reality. Some of
9 the science in those may be real. Some of it isn't.

10 In this case if you don't hear any of those types
11 of scientific evidence, if you hear from just testimony,
12 Miss Tillman, from the witness stand, and you see evidence,
13 you can look at evidence, touch the evidence, but most of it
14 is going to be testimonial, without any scientific evidence,
15 can you listen to just testimony, the oldest form of
16 evidence there is and make a determination?

17 PROSPECTIVE JUROR: Yes.

18 MR. ROSENBLATT: No problem with that, right?

19 PROSPECTIVE JUROR: No.

20 MR. ROSENBLATT: You have no problem with that,
21 right, Mr. Cusumano?

22 PROSPECTIVE JUROR: Not at all.

23 MR. ROSENBLATT: Mr. Owstfeld, any problem with
24 that?

25 PROSPECTIVE JUROR: No problem.

Proceedings

1 MR. ROSENBLATT: You know, before science had been
2 expanded, they didn't have any DNA evidence. All criminal
3 trials were based upon testimony. Witnesses came in. They
4 told you what they saw, what they did, what they felt.

5 Mr. Sauer, nobody had science back then.
6 Everybody did it, only recently as 20 years ago, just based
7 on testimony, correct?

8 PROSPECTIVE JUROR: Yes.

9 MR. ROSENBLATT: Do you think you can do it in
10 this case?

11 PROSPECTIVE JUROR: Yes.

12 MR. ROSENBLATT: One of the things I want to touch
13 on that I mentioned earlier, the idea of one witness.

14 Miss Quatela, I want you to follow along with me
15 as I'm going to talk to Mr. Luk. You just graduated,
16 correct?

17 PROSPECTIVE JUROR: Yes.

18 MR. ROSENBLATT: Ever go to the library?

19 PROSPECTIVE JUROR: Here and there.

20 MR. ROSENBLATT: Did you study in other places?

21 PROSPECTIVE JUROR: Yes.

22 MR. ROSENBLATT: I assume you are studying alone.
23 A man approaches you in a gray suit, white shirt, purple
24 tie, wearing glasses. He approaches you and asks you for
25 your money. Takes your money, puts it in his pocket, walks

Proceedings

1 away. As the individual is walking away, a police officer
2 is walking by. You tell him what happened, and, Miss
3 Quatela, you are now a juror in the trial involving Mr. Luk
4 where he is a witness.

5 Mr. Luk Testifies as to what happened to him. He
6 describes the individual. He points me out as the
7 individual who stole his money. One witness. That's the
8 only witness you hear in that case. If that testimony by
9 Mr. Luk convinces you beyond a reasonable doubt to your
10 satisfaction, and you hear the charge, and the judge tells
11 you what the law is and the facts as Mr. Luk tells you
12 proves the defendant guilty beyond a reasonable doubt to
13 your satisfaction, what would your verdict be?

14 PROSPECTIVE JUROR: Guilty.

15 MR. ROSENBLATT: Any problem that the testimony is
16 from one witness?

17 PROSPECTIVE JUROR: No.

18 MR. ROSENBLATT: Mr. Sour, any problem with that?

19 PROSPECTIVE JUROR: No.

20 MR. ROSENBLATT: Mr. Owstfeld?

21 PROSPECTIVE JUROR: No.

22 MR. ROSENBLATT: Miss Chabalik, any problem with
23 that?

24 PROSPECTIVE JUROR: No.

25 MR. ROSENBLATT: Miss Williams?

Proceedings

1 PROSPECTIVE JUROR: No.

2 MR. ROSENBLATT: How about you, Miss Weiss?

3 PROSPECTIVE JUROR: No.

4 MR. ROSENBLATT: Miss Gajagharsingh, any problem
5 with that?

6 PROSPECTIVE JUROR: No. No problem.

7 MR. ROSENBLATT: Anyone have a problem with that
8 concept? If one witness is presented to you and that
9 witness convinces you to your satisfaction beyond a
10 reasonable doubt, the law requires you to find him guilty if
11 you are convinced beyond a reasonable doubt. Miss Adrabma
12 any problem?

13 PROSPECTIVE JUROR: No.

14 MR. ROSENBLATT: Now, who is married? Who has
15 kids? Anybody have teenage kids?

16 Miss Effendy.

17 PROSPECTIVE JUROR: They are grown up.

18 MR. ROSENBLATT: They were once teenagers?

19 PROSPECTIVE JUROR: Right.

20 MR. ROSENBLATT: Miss Quatela, you have a child?

21 PROSPECTIVE JUROR: Yes. One son, 30.

22 MR. ROSENBLATT: Miss Effendy.

23 PROSPECTIVE JUROR: Twenty-four and 28.

24 MR. ROSENBLATT: Mr. Andrei.

25 PROSPECTIVE JUROR: Yes, one, 33 years old.

Proceedings

1 MR. ROSENBLATT: In the back.

2 PROSPECTIVE JUROR: Eleven.

3 MR. ROSENBLATT: Miss Gajagharsingh.

4 PROSPECTIVE JUROR: Twenty-five and 27.

5 PROSPECTIVE JUROR: Thirty-two.

6 MR. ROSENBLATT: Mr. Cusumano, 32?

7 PROSPECTIVE JUROR: Yes.

8 PROSPECTIVE JUROR: I'm going to make you say my
9 name again.

10 MR. ROSENBLATT: Miss Chabalik.

11 PROSPECTIVE JUROR: Thirty and 32.

12 PROSPECTIVE JUROR: I have three going from 34 to
13 24.

14 MR. ROSENBLATT: Miss Chabalik, where do you work
15 as a nurse?

16 PROSPECTIVE JUROR: In Northshore Hospital Forest
17 Hills.

18 MR. ROSENBLATT: Is that hospital still open?

19 PROSPECTIVE JUROR: One of them, yeah.

20 MR. ROSENBLATT: And as part of your work as a
21 nurse, you deal with the police?

22 PROSPECTIVE JUROR: No.

23 MR. ROSENBLATT: Never?

24 PROSPECTIVE JUROR: Yes, years ago when I worked
25 in Elmhurst in the ER.

Proceedings

1 MR. ROSENBLATT: You would agree with me you have
2 got good police officers and you have some bad police
3 officers, right, just like every other citizen. Makes them
4 no different. The fact that they have a badge and a uniform
5 they are treated like everybody else, correct?

6 PROSPECTIVE JUROR: Yes.

7 MR. ROSENBLATT: You agree with that, Miss
8 Williams?

9 PROSPECTIVE JUROR: Yes.

10 MR. ROSENBLATT: Do you have any problem if you
11 hear from police officers in this case?

12 PROSPECTIVE JUROR: No.

13 MR. ROSENBLATT: Anyone have police officers in
14 their many family?

15 Miss Tillman.

16 PROSPECTIVE JUROR: Yes.

17 MR. ROSENBLATT: You said a cousin in the PD and a
18 cousin in corrections?

19 PROSPECTIVE JUROR: Yes.

20 MR. ROSENBLATT: They are just like everybody
21 else, right?

22 PROSPECTIVE JUROR: Uh-huh.

23 MR. ROSENBLATT: Now, anyone here in the last few
24 years been at a funeral?

25 Mr. Cusumano, Mr. Sauer, do you agree with me

Proceedings

1 sometimes when people deal with different events -- well,
2 everyone deals with events differently. Fair to say,
3 Mr. Cusumano?

4 PROSPECTIVE JUROR: Sure.

5 THE COURT: Excuse me, Mr. DA. Another minute.

6 MR. ROSENBLATT: Thank you, Judge.

7 Quickly, have you ever been to a funeral where you
8 have an individual crying in the corner. They are grieving,
9 and that's the way they handle it.

10 Mr. Sauer, you have been to a funeral where
11 someone is telling good stories of the individual, and they
12 are laughing at the good times?

13 PROSPECTIVE JUROR: Yes.

14 MR. ROSENBLATT: Does it mean in either situation
15 that the person didn't love the person who passed?

16 PROSPECTIVE JUROR: Absolutely not.

17 MR. ROSENBLATT: Does it mean they are not
18 grieving?

19 PROSPECTIVE JUROR: No.

20 MR. ROSENBLATT: Does everyone agree everyone
21 reacts to a situation, whether it's a funeral, a crime
22 victim, everyone reacts differently?

23 MR. BANDELLI: Objection, Judge. I don't
24 understand what he is saying.

25 MR. ROSENBLATT: Can you appreciate that,

Proceedings

1 Mr. Sauer?

2 PROSPECTIVE JUROR: Yes.

3 MR. ROSENBLATT: There are no guidelines how
4 somebody acts at a funeral, correct?

5 PROSPECTIVE JUROR: Yes.

6 MR. ROSENBLATT: Would anyone have certain
7 expectations if they hear from a victim who tells you they
8 were the victim of a crime? Meaning if the person doesn't
9 cry or the person doesn't react as you may expect, does that
10 mean they are not telling the truth, Miss Williams?

11 PROSPECTIVE JUROR: No.

12 MR. ROSENBLATT: It just means they react
13 differently. Fair to stay?

14 PROSPECTIVE JUROR: Right.

15 MR. ROSENBLATT: Can you promise when you listen
16 to the evidence, you will do it with an open mind?

17 THE COURT: Thank you, Mr. DA.

18 MR. ROSENBLATT: Thank you. Have a nice day.

19 THE COURT: Mr. Bandelli, you may proceed.

20 MR. BANDELLI: Thank you, Judge.

21 Good afternoon, everybody. Good afternoon, ladies
22 and gentlemen. How is everybody holding up in the heat?
23 I'm not holding up so good.

24 Was everybody paying attention when I talked
25 earlier? Anything that we discussed before that, you know,

Proceedings

1 we need to discuss now? You know, anything that may be
2 raised a question in your mind that you think maybe we
3 should discuss it now before, you know, maybe you end up as
4 a juror on this case or something like that? No. Okay.

5 One of the fellows who was actually seated in the
6 last round, I was discussing with him when he sat as a grand
7 juror what he used to evaluate witness's credibility. One
8 of the things you are going to have to do, and I think
9 that's what the DA was trying to talk about, is trying to
10 determine, especially if it's only one witness, whether or
11 not you believe the one witness, right? You are going to
12 have to make a decision.

13 Say there is no DNA evidence and there is no
14 fingerprint evidence and there is no medical evidence. All
15 you have is the person sitting in this seat right here
16 telling you this is what happened. Now you have to decide.
17 Is this true? Is it not true, right?

18 So, Mr. Sauer, in your life experience you have
19 three grownup children. You are about to go to New England
20 and enjoy yourself. What do you use to help you determine
21 whether or not you believe somebody or you don't believe
22 somebody?

23 PROSPECTIVE JUROR: My relationship with them and
24 their character. How they reacted in the past. Whether
25 they told me the truth. Stuff like that.

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1 MR. BANDELLI: There you go. If somebody has a
2 history of lying, that is something that is going to weigh
3 against help. If somebody has a history telling the truth,
4 that's something that goes in the check box in their favor.

5 What if somebody said something in the past one
6 way and then said something different at another time in
7 terms of, Well, something did happen. Then later said
8 something didn't happen. Would that be a factor that you
9 might consider?

10 PROSPECTIVE JUROR: Of course.

11 MR. BANDELLI: Of course.

12 Does anybody feel that wouldn't be a factor they
13 would consider, an inconsistent statement or a recantation,
14 a taking back of what had been said?

15 Miss Weiss.

16 PROSPECTIVE JUROR: I have an 11 year old son.
17 Sometimes he could say things differently. Children, you
18 know --

19 MR. BANDELLI: You know what? I have three
20 children under 11. I know my son, when he tells me
21 something, it's always the truth, and I know my daughter,
22 I'm not so sure all of the time. Just based on the
23 relationship I have and learning over time I ask her, Did
24 you get your test grade back yet? She will never tell me.
25 My son, even if he has the worst grade in the world, he

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1 can't help himself. So, I get that. I understand, and you
2 are identifying, Miss Weiss, it's very important, everybody
3 is different in terms of how they handle situations and how
4 they go about telling the truth or telling a lie. Okay?
5 And you have to rely on your life experiences in making a
6 determination in this particular case whether or not
7 somebody is telling the truth. That's key, and I think
8 that's why he is talking about funerals and baseball games.

9 This isn't a funeral or a baseball game. This is
10 a child. There are serious allegations. Somebody is going
11 to get on the witness stand. There is a lot at stake. This
12 is serious. Mr. Cusumano.

13 PROSPECTIVE JUROR: Yes.

14 MR. BANDELLI: I apologize if I don't get
15 everybody's name right. I'm trying to take in all of the
16 information. I don't have a lot of time to do it. You said
17 you grew up in a neighborhood where a lot of people went
18 into law enforcement. You were at one point one of New York
19 City's bravest.

20 PROSPECTIVE JUROR: Yes.

21 MR. BANDELLI: You know what? I respect that a
22 great deal. The bottom line is I don't know if you go back
23 to the firehouse or if you have lunch with these guys, you
24 are in a card game.

25 PROSPECTIVE JUROR: Yes.

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1 MR. BANDELLI: You socialize.

2 PROSPECTIVE JUROR: Yes.

3 MR. BANDELLI: Are you going to go back and talk
4 to them and tell them, you know, This cop took the stand. I
5 don't know. I didn't buy it. Is that going to be
6 comfortable for you?

7 PROSPECTIVE JUROR: I use my gut feeling. See how
8 I feel.

9 MR. BANDELLI: I appreciate that. I'm just trying
10 to think of my own appearance like if I go back to a group
11 of friends --

12 MR. ROSENBLATT: Objection.

13 THE COURT: Let him finish it.

14 MR. BANDELLI: You know, if I go back there are
15 certain friends I may not feel as comfortable saying
16 something to, and it may have an influence on me in terms
17 much how I handle things. That's the human experience.
18 There is nothing wrong with it. I'm not saying it's bad.
19 I'm not saying it makes you better or a worse person. It is
20 what it is.

21 PROSPECTIVE JUROR: It has nothing to do with what
22 I say here, what I do. I wouldn't discuss it. I'm not
23 bragging or anything like that. I do what I have to do
24 here.

25 MR. BANDELLI: Would you feel inclined to look for

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1 feedback in any way?

2 PROSPECTIVE JUROR: No. I don't see why I would.
3 That's between me and my conscience.

4 MR. BANDELLI: And the evidence.

5 PROSPECTIVE JUROR: And the evidence.

6 MR. BANDELLI: And what you hear from here
7 (indicating). Good. This is important. I appreciate you
8 being honest with me. You are telling me, Hey, you know
9 what? I could be a fair and impartial juror.

10 PROSPECTIVE JUROR: I can.

11 MR. BANDELLI: You would be good for this case.
12 You are telling me, Bandelli, hey, I'll be a good juror.

13 PROSPECTIVE JUROR: I'm here.

14 MR. BANDELLI: Well, I see you are making a face.
15 We are all here, and it's hot. It's July 4th weekend. I
16 feel your pain.

17 Has anybody made a decision at this point as to
18 whether or not my client is innocent or guilty? Anybody
19 have a feeling one way or the other about that? You, sir?

20 PROSPECTIVE JUROR: Nothing. Not yet.

21 MR. BANDELLI: Right, because Mr. Rosenblatt got
22 up here and he tried to put this whole spin on presumed
23 innocent. He gave you a clearly obvious story where
24 somebody was guilty. He came in, shot somebody in the
25 courtroom, killed the person in the courtroom. He is

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1 clearly guilty but guess what? He is also presumed
2 innocent. You know, in other words suggesting something.
3 That's what he did.

4 Does anybody feel like that's what is going on
5 here because I need to know now. Right now. Do you have an
6 opinion now?

7 PROSPECTIVE JUROR: Right now he is innocent.

8 MR. BANDELLI: That's right. Does anybody feel
9 that he is not innocent?

10 Ma'am.

11 PROSPECTIVE JUROR: No.

12 MR. BANDELLI: Seriously. I need to know.

13 PROSPECTIVE JUROR: Seriously.

14 PROSPECTIVE JUROR: I don't have any opinion.

15 MR. BANDELLI: Good. You are going to wait until
16 you hear all of the evidence in this case, and you are going
17 to say, okay, Mr. Prosecutor, have you proved this thing
18 beyond a reasonable doubt, right? If he has, then your
19 verdict is going to be guilty, right?

20 PROSPECTIVE JUROR: Yes.

21 MR. BANDELLI: If he hasn't, then your verdict is
22 going to be not guilty, right?

23 PROSPECTIVE JUROR: Yes.

24 MR. BANDELLI: No matter how upsetting what you
25 hear is, right?

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1 I don't have a problem with anybody here. Let me
2 ask you a question. Is there anything I need to know before
3 I sit down? Is there anything you need to share with me?

4 You are an X ray technician. I don't think it was
5 too personal, but you said that, you know, you had
6 experiences with people who had made complaints --

7 PROSPECTIVE JUROR: Yes.

8 MR. BANDELLI: -- of a similar nature to what may
9 come up here.

10 PROSPECTIVE JUROR: Yes.

11 MR. BANDELLI: Do you think that's going to
12 influence how you are going to perceive the witness in this
13 case?

14 PROSPECTIVE JUROR: No. It shouldn't.

15 MR. BANDELLI: It shouldn't.

16 PROSPECTIVE JUROR: No.

17 MR. BANDELLI: Is it likely that, you know, you
18 are not going to think back when you were sitting down
19 examining one particular individual and say, you know, that
20 guy sounds familiar, or you know what? That doesn't sound
21 too familiar.

22 PROSPECTIVE JUROR: I don't think so.

23 MR. BANDELLI: It's going to be hard. You know, a
24 lot of times the way the law is set up, they ask to
25 disregard common sense. Disregard what your normal

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1 instincts would be. It's not an easy job. It's not an easy
2 job.

3 I do have one last thing. I apologize. I'm
4 sorry. The judge told you my client, Harold Gopaul, he
5 doesn't have to say anything in this case, right? He
6 doesn't have to take the stand. They can say he did A, B,
7 C, D, E, F, G. They can yell, scream, point fingers, but at
8 the end of the day he doesn't have to say anything.

9 Does anybody feel that, you know, if it were me, I
10 would get up and say something? Anybody? I'm sure somebody
11 has to feel like that. Nobody?

12 Ma'am, you don't feel if you were falsely accused
13 of a crime, you wouldn't need to have your say?

14 THE COURT: Excuse me, Mr. Bandelli. Another
15 minute.

16 MR. BANDELLI: You are the last person I'm going
17 to talk to.

18 PROSPECTIVE JUROR: If I felt that way, yes, I
19 would want to, but not everyone feels the same way.

20 MR. BANDELLI: Will you hold other people to how
21 you would handle it?

22 PROSPECTIVE JUROR: Absolutely not.

23 MR. BANDELLI: How about you, Miss Tillman? Would
24 you hold somebody --

25 PROSPECTIVE JUROR: No.

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1 MR. BANDELLI: Sir?

2 PROSPECTIVE JUROR: No.

3 MR. BANDELLI: Anybody feel that, you know, I
4 would really need to hear from the defendant? No?

5 Miss Weiss, you are thinking. I can tell.

6 PROSPECTIVE JUROR: Not necessarily.

7 MR. BANDELLI: Not necessarily isn't no. It's
8 really a yes or no. That's going to be a charge that the
9 judge is going to give you. If you have a question about
10 that then, you know, now is the time. Not after you have
11 been selected and all of a sudden it's over, and my client
12 said, you know, I don't need to take the stand, and you are
13 going to say, He should have taken the stand. I would have
14 heard what he had to say.

15 PROSPECTIVE JUROR: I don't know. You know, I may
16 get a little uncomfortable having an 11 year old son in all
17 honesty. I've had to have discussions with him lately. He
18 will probably be walking to school alone going to middle
19 school.

20 MR. BANDELLI: That's actually a very nice thing.

21 PROSPECTIVE JUROR: I have to have discussions
22 with him lately about what to look out for. It's a very
23 scary thing to have to go on-line showing him pictures.

24 MR. BANDELLI: That scared the heck out of my
25 wife. The school sends them things. I understand that, but

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1 at the end of the day that's not what is going on here. Do
2 you understand? You have a certain responsibility to
3 protect your child. I get that. I think every parent feels
4 the same way.

5 THE COURT: Thank you, Mr. Bandelli.

6 MR. BANDELLI: Thank you. Thank you very much.

7 THE COURT: Please come in the back when you are
8 both ready.

9 (The following proceedings took place in the jury
10 room:)

11 THE COURT: People, any challenge for cause up to
12 and including prospective juror number seven?

13 MR. ROSENBLATT: No.

14 THE COURT: Any cause challenges? One through
15 seven?

16 MR. BANDELLI: No, Judge.

17 THE COURT: Any perempts, People?

18 MR. ROSENBLATT: Number two, Miss Tillman.

19 THE COURT: People challenge prospective juror
20 number two, Jasmine Tillman.

21 MR. ROSENBLATT: Number six, Mr. Luk.

22 THE COURT: The People challenge Arthur Luk.
23 Mr. Bandelli, any challenges?

24 MR. BANDELLI: Yes. One and three.

25 THE COURT: Defense challenges Fernando Rodas,

Proceedings

1 prospective juror number one; and Linda Quatela, prospective
2 juror number three.

3 Wieda Effendy and Valentin Andrei acceptable to
4 both sides?

5 MR. BANDELLI: Yes.

6 MR. ROSENBLATT: Yes, your Honor.

7 THE COURT: They become jurors seven and eight.

8 The People, any cause challenges as to prospective
9 jurors Ceja, Adrabma, Cusumano and Owstfeld?

10 MR. ROSENBLATT: No.

11 MR. BANDELLI: No.

12 THE COURT: Any challenge for cause, Mr. Bandelli?

13 MR. BANDELLI: No.

14 THE COURT: Any perempts, People?

15 MR. ROSENBLATT: Number eight, Mr. Ceja.

16 THE COURT: The People challenge William Ceja,
17 prospective juror number eight.

18 Mr. Bandelli, any challenges as to the remaining
19 three prospective jurors?

20 MR. BANDELLI: Yes. Nine and 11.

21 THE COURT: Defense challenges Lauren Adrabma,
22 prospective juror number nine, and Ezra Owstfeld,
23 prospective juror number 11.

24 Salvatore Cusumano is acceptable to both sides?

25 MR. ROSENBLATT: Yes.

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1 MR. BANDELLI: Yes.

2 THE COURT: How many challenges have they both
3 used?

4 THE CLERK: The People have used eight and the
5 defense has used nine.

6 THE COURT: The People, any challenge for cause as
7 to Sauer, Chabalik and Williams?

8 MR. ROSENBLATT: No.

9 THE COURT: Any cause challenge?

10 MR. BANDELLI: No.

11 THE COURT: Any perempts, People?

12 MR. ROSENBLATT: No.

13 THE COURT: Any perempts, Mr. Bandelli?

14 MR. BANDELLI: Twelve and 13.

15 THE COURT: People challenge Kenneth Sauer.

16 MR. ROSENBLATT: Defendant. I'm sorry. You said
17 People.

18 THE COURT: I'm sorry. Defense challenge Kenneth
19 Sauer, prospective juror number 12, and Flores Chabalik,
20 prospective juror number 13.

21 MR. BANDELLI: Yes.

22 THE COURT: Tamikia Williams is acceptable to both
23 sides?

24 MR. ROSENBLATT: Yes.

25 MR. BANDELLI: Yes.

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1 THE COURT: She becomes juror number ten.

2 People, any challenge for cause as to Weiss and
3 Gajagharsingh?

4 MR. ROSENBLATT: No.

5 MR. BANDELLI: With respect to number 15,
6 Miss Weiss, I mean she is really letting us know that she is
7 having a tough time both with the fact that she has an 11
8 year old kid who she feels that, you know, she is already
9 looking to protect him from sexual abuse or predators. She
10 is going online researching this stuff.

11 She also said something along the line that she
12 doesn't feel comfortable with not hearing my client's
13 testimony or not hearing from my client.

14 THE COURT: The People's position.

15 MR. ROSENBLATT: I don't believe she said that.
16 She said she would prefer to hear it. That's not the
17 standard, and the other allegations that counsel feels are
18 not the standard for a cause challenge. She didn't say she
19 would be unable to be fair. She didn't say she would be
20 unable to be impartial. She said she is concerned, but he
21 didn't properly question her to use it for a cause
22 challenge.

23 THE COURT: Defense application for cause
24 challenge as to prospective juror number 15, Laurie Weiss,
25 is granted.

Proceedings

1 The People, any perempt as to Miss Gajagharsingh?

2 MR. ROSENBLATT: No.

3 THE COURT: Any perempt, Mr. Bandelli, as to
4 Gajagharsingh?

5 MR. BANDELLI: Yes.

6 THE COURT: Defense challenges prospective juror
7 16 Miss Gajagharsingh.

8 We have 11.

9 THE CLERK: No. Ten. The People used eight. The
10 defense used 12.

11 THE COURT: All right.

12 (In open court.)

13 THE CLERK: Of the jurors seated in the jury box,
14 will the following four people remain seated:

15 Wieda Effendy, Valentin Andrei, Salvatore A.
16 Cusumano and Tamikia Williams. You four people remain
17 seated. Everybody else return to central jury now.

18 Will our four new jurors please rise and raise
19 your right hand.

20 (Selected jurors sworn in by the clerk of the
21 court.)

22 THE COURT: Fill the box, please.

23 THE CLERK: Jurors, if your name is called, follow
24 the instructions of the sergeant.

25 Sheldon D. S-t-e-i-n-i-g, seat number one, please.

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1 Jonathan D. Stec, S-t-e-c, seat number two,
2 please.

3 Maryann E. Geraci, G-e-r-a-c-i, seat number three,
4 please.

5 Steven J. Mannasse, M-a-n-n-a-s-s-e, seat number
6 four, please.

7 Maria R. Padin, P-a-d-i-n, seat number five,
8 please.

9 Veronica P. Barnes, B-a-r-n-e-s, seat number six,
10 please.

11 Arlene Coronado, C-o-r-o-n-a-d-o, seat number
12 seven, please.

13 Henry Lopez, L-o-p-e-z, seat number eight, please.

14 Henry J. Martinez, M-a-r-t-i-n-e-z, seat number
15 nine, please.

16 Michael N. Yoong, Y-o-o-n-g, seat number ten,
17 please.

18 THE COURT: Good afternoon, ladies and gentlemen.
19 Everybody here able to understand and follow those three
20 basic principles of law? Good.

21 Anyone here ever sat as a juror before on a
22 criminal case?

23 You heard that the charges here are of a sexual
24 nature and involve a family member. Anyone have a problem
25 sitting on a case like that? Please raise your hand.

Proceedings

1 Come on up, Mr. Steinig.

2 (The following proceedings took place at
3 side-bar:)

4 THE COURT: How are you, Mr. Steinig?

5 PROSPECTIVE JUROR: I'm a community rabbi. I'm
6 involved with the Queens Jewish Community Council which has
7 set up an initiative for family abuse. My wife serves on
8 the task force for family and children at risk, and I've
9 been involved in removing children from abusive situations.

10 THE COURT: What part of Queens are you from?

11 PROSPECTIVE JUROR: My congregation is in Bayside.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR: In fact, I was here just a few
14 weeks ago with Lois Rappeler (phonetic) who was hosting one
15 of the child abuse --

16 THE COURT: Lois Rap.

17 MR. BANDELLI: I haven't heard that name in a
18 while.

19 PROSPECTIVE JUROR: Anything like this I'm not
20 going to be fair to any adult involved with a kid.

21 THE COURT: All right. I can appreciate that. We
22 are going to have you sit on civil cases. Okay?

23 PROSPECTIVE JUROR: That works.

24 THE COURT: Thank you for your honesty. Thank you
25 very much.

Proceedings

1 Prospective juror Mr. Steinig is excused consent
2 of both sides?

3 MR. ROSENBLATT: Yes.

4 MR. BANDELLI: Yes.

5 THE COURT: Come on up, Mr. Mannasse.

6 How are you, sir?

7 PROSPECTIVE JUROR: Okay, I guess. I really just
8 don't feel comfortable when it comes to these kinds of
9 situations, especially when it comes to someone like a
10 parent possibly assaulting a child. It's just really
11 disgusting to me. I don't think I have the stomach for
12 something like that.

13 THE COURT: Okay. Do you work? Do you go to
14 school? What do you do?

15 PROSPECTIVE JUROR: I work as a financial advisor
16 for John Hancock.

17 THE COURT: How has business been lately?

18 PROSPECTIVE JUROR: For us not terrible, I got to
19 say.

20 THE COURT: Okay. We are going to have you sit on
21 civil cases, Mr. Mannasse. Follow the instruction of the
22 sergeant. You have a nice day, sir.

23 PROSPECTIVE JUROR: You too, sir.

24 THE COURT: Prospective jurors Mr. Mannasse is
25 excused consent of both sides?

Proceedings

1 MR. ROSENBLATT: Yes.

2 MR. BANDELLI: Yes.

3 THE COURT: Mr. Lopez.

4 PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: How are you, Mr. Lopez?

6 PROSPECTIVE JUROR: Good. Good.

7 THE COURT: You have a problem sitting on this
8 case?

9 PROSPECTIVE JUROR: Well, two reasons. One is my
10 daughter, after her grandfather had passed away, told me
11 about her grandfather abused her.

12 THE COURT: Sorry.

13 PROSPECTIVE JUROR: And in another case a friend
14 of mine, FDNY, he was arraigned here.

15 THE COURT: A friend of yours what?

16 PROSPECTIVE JUROR: He was arraigned here. He
17 came to court here for the same reasons. He molested his
18 step-daughter.

19 THE COURT: So, this brings back bad memories to
20 you?

21 PROSPECTIVE JUROR: Yes, it does.

22 THE COURT: I'm sorry for doing that. We are
23 going to have you sit on civil cases.

24 PROSPECTIVE JUROR: Okay.

25 THE COURT: Okay, Mr. Lopez. Have a nice day.

Proceedings

1 Prospective juror Mr. Lopez is excused consent of
2 both sides?

3 MR. ROSENBLATT: Yes.

4 MR. BANDELLI: Yes.

5 (In open court.)

6 THE COURT: Anyone here been the victim of a
7 crime? Please raise your hand if you have been the victim
8 of a crime. Good.

9 Anyone here, anyone very close to you, whether
10 it's a close relative or friend ever been arrested ore
11 accused of a crime? Any of you or anyone close to you ever
12 been arrested or accused of a crime. Raise your hand.

13 Miss Coronado, did you have your hand up?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Come up.

16 (The following proceedings took place at
17 side-bar:)

18 THE COURT: Who do you know that was arrested?

19 PROSPECTIVE JUROR: Myself.

20 THE COURT: You?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: What happened?

23 PROSPECTIVE JUROR: It was just a girl fight when
24 I was younger.

25 THE COURT: A girl fight?

Proceedings

1 PROSPECTIVE JUROR: Yeah.

2 THE COURT: Okay. Did you win the fight?

3 PROSPECTIVE JUROR: No.

4 THE COURT: And you still got arrested?

5 PROSPECTIVE JUROR: Well, the person that attacked
6 me -- I was attacked, and I was going home, so she called
7 the cops on me.

8 THE COURT: Okay. What happened to the case?

9 PROSPECTIVE JUROR: It was dismissed because
10 she -- like she had been arrested before, and I -- so, they
11 just dismissed the case.

12 THE COURT: Okay. Did that happen in Queens?

13 PROSPECTIVE JUROR: No. In Manhattan.

14 THE COURT: Okay. Did you have to go to court a
15 couple of times or just once?

16 PROSPECTIVE JUROR: Just once.

17 THE COURT: Do you feel that you were treated
18 fairly or unfairly by the system?

19 PROSPECTIVE JUROR: Fairly.

20 THE COURT: No bad feelings about what happened?

21 PROSPECTIVE JUROR: No.

22 THE COURT: That wouldn't affect your ability to
23 be fair here; would it?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Okay. Thank you, Miss Coronado.

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1 Anyone else?

2 (In open court.)

3 THE COURT: Any of you or anyone close to you work
4 in law enforcement, have a job as a police officer, court
5 officer, correction officer? Anything like that, please
6 raise your hands.

7 Okay. Mr. Stec.

8 PROSPECTIVE JUROR: My uncle is a police officer.

9 THE COURT: Do you know where your uncle works?

10 PROSPECTIVE JUROR: It's called Queens Blast.

11 It's basically all the wiretaps with drug dealers or money
12 laundering.

13 THE COURT: You would have no problem following my
14 instruction on how to evaluate a police officer's testimony?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Who do you know, Miss Padin?

17 PROSPECTIVE JUROR: My son is a police officer.

18 THE COURT: Where does he work?

19 PROSPECTIVE JUROR: Lower Manhattan.

20 THE COURT: How long has he been working?

21 PROSPECTIVE JUROR: Six years.

22 THE COURT: You must be proud of him.

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: I'm sure you could tell the rest of
25 the jurors he is human just like everybody.

Proceedings

1 PROSPECTIVE JUROR: He is a wonderful person.

2 THE COURT: You would have no problem following my
3 instruction; would you?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Mr. Martinez.

6 PROSPECTIVE JUROR: Hi. My wife is a court
7 attorney to the presiding Judge Carol Stokinger at the
8 Queens Family Court of which they handle neglect and abuse
9 cases.

10 THE COURT: All right. One of the instructions I
11 give, I have of already given it to you when you left the
12 courtroom, you are not to discuss this case. As much as you
13 like to tell your wife everything you do, I'm sure you can
14 follow my instruction, correct?

15 PROSPECTIVE JUROR: Absolutely.

16 THE COURT: You would have no problem with sitting
17 on this case?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Anyone else?

20 Now we come to your backgrounds. I'm going to ask
21 you same questions.

22 Mr. Stec, what part of Queens do you live in?

23 PROSPECTIVE JUROR: Glendale.

24 THE COURT: How long have you lived there?

25 PROSPECTIVE JUROR: 22 years.

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1 MR. ROSENBLATT: I didn't hear.

2 THE COURT: He lives in Glendale his whole life.

3 You are living at home?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Working?

6 PROSPECTIVE JUROR: Yes. I'm a supervisor at an
7 after school program at a summer camp.

8 THE COURT: Are you still going to school?

9 PROSPECTIVE JUROR: Yes. Computer engineering.

10 THE COURT: Good luck to you.

11 PROSPECTIVE JUROR: Thank you.

12 THE COURT: Miss Geraci, what part of Queens do
13 you live in?

14 PROSPECTIVE JUROR: Glendale. Also I lived there
15 for --

16 THE COURT: Do you know each other?

17 PROSPECTIVE JUROR: No. I'm there about 12 years.
18 Own my own home. Prior to that I lived in/grew up in
19 Maspeth.

20 THE COURT: Very nice.

21 Are you working now?

22 PROSPECTIVE JUROR: Yes. I work for the
23 Department of Education. I'm the purchasing manager for a
24 high school.

25 THE COURT: That's a big job. Thank you very

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1 much.

2 Miss Padin, what part of Queens do you live in?

3 PROSPECTIVE JUROR: Whitestone.

4 THE COURT: How long?

5 PROSPECTIVE JUROR: Twenty-five years.

6 THE COURT: Martial status. Any children?

7 PROSPECTIVE JUROR: Married, two children.

8 THE COURT: Are you working?

9 PROSPECTIVE JUROR: I work for the Department of
10 Education school lunch.

11 THE COURT: Do you own your own home?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Miss Barnes, what part of Queens do
14 you live in?

15 PROSPECTIVE JUROR: Jamaica.

16 THE COURT: How long have you lived there?

17 PROSPECTIVE JUROR: Sixteen years.

18 THE COURT: Marital status. Any children?

19 PROSPECTIVE JUROR: Divorced, one son.

20 THE COURT: Are you working?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: What do you do?

23 PROSPECTIVE JUROR: Telephone operator.

24 THE COURT: Do you own your own home?

25 PROSPECTIVE JUROR: Rent.

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1 THE COURT: Thank you very much.

2 Miss Caraballo, what part of Queens do you live
3 in?

4 PROSPECTIVE JUROR: East Elmhurst.

5 THE COURT: How long have you lived there?

6 PROSPECTIVE JUROR: Twelve years.

7 THE COURT: Marital status. Any children?

8 PROSPECTIVE JUROR: Single. No children.

9 THE COURT: Are you working?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: What do you do?

12 PROSPECTIVE JUROR: Administrative assistant for a
13 dental office.

14 THE COURT: Speak louder.

15 PROSPECTIVE JUROR: Administrative assistant for a
16 dental office.

17 THE COURT: Do you own or rent your own home?

18 PROSPECTIVE JUROR: Rent.

19 THE COURT: Thank you very much.

20 Mr. Martinez, what part of Queens do you live in?

21 PROSPECTIVE JUROR: College Point for the last 11
22 years. Maspeth for ten years prior to that and seven years
23 in Whitestone. I'm an electrical contractor. I own my own
24 home. Married. Three grown children.

25 THE COURT: Thank you very much. You covered it

Proceedings

1 all.

2 Mr. Yoong.

3 PROSPECTIVE JUROR: I've lived in Woodside for the
4 past four years. Prior to that I lived in Atlanta for a few
5 months, Manhattan for three years and Jersey for three years
6 before that. I'm married. No children. I work for hedge
7 funds as an administrator in Westchester, and what's the
8 last question? I own an apartment.

9 THE COURT: Thank you, Mr. Yoong.

10 Mr. DA.

11 MR. ROSENBLATT: Thank you, Judge.

12 Some of you probably didn't believe when we told
13 you that you, too, were going to sit here as you saw
14 everybody else sitting there. You probably thought you were
15 safe. As the judge told you, it's an important part of the
16 system. Without you we couldn't have a criminal justice
17 system. We need a jury of our peers. That's why we have
18 people like you. We appreciate your time. I'm going to go
19 quite quickly through all of the things I've spoken about
20 earlier. I hope you paid attention to some of it. I spoke
21 earlier about reasonable doubt, and the standard doesn't
22 change based upon the nature of the charges.

23 Mr. Stec, you heard that?

24 PROSPECTIVE JUROR: Yes.

25 MR. ROSENBLATT: Any problem with that?

Proceedings

1 PROSPECTIVE JUROR: No.

2 MR. ROSENBLATT: Anyone here have any problem with
3 that?

4 PROSPECTIVE JUROR: No.

5 MR. ROSENBLATT: You understand this is the type
6 of case where you are going to hear from witnesses. There
7 is going to be no scientific evidence. I'm asking you
8 whether you can listen to testimony and make a determination
9 using your common sense your life experiences. I'm asking
10 you not to leave that at home when you come into the
11 courtroom. It's important. We grew up in different parts
12 of the county. Some of us north, some of us south, and we
13 come from different backgrounds, but we all come in with
14 common sense and life experience. You can't forget that
15 when you enter a courtroom.

16 Miss Geraci, do you promise you can listen to
17 testimony and not base a verdict on whim or speculation?

18 PROSPECTIVE JUROR: Yes.

19 MR. ROSENBLATT: Just on the evidence presented to
20 you.

21 PROSPECTIVE JUROR: Yes.

22 MR. ROSENBLATT: You promise to do that?

23 PROSPECTIVE JUROR: Yes.

24 MR. ROSENBLATT: You wouldn't speculate as to
25 things you don't hear. Just base it on the testimony that

Proceedings

1 you do hear.

2 PROSPECTIVE JUROR: Yes.

3 MR. ROSENBLATT: You will do the same, Miss Padin?

4 PROSPECTIVE JUROR: Yes.

5 MR. ROSENBLATT: You understand that in this case
6 you are going to hear from police officers, and, Miss Padin,
7 you said your son is a police officer in Manhattan, right?

8 PROSPECTIVE JUROR: Yes.

9 MR. ROSENBLATT: How long has he been doing that?

10 PROSPECTIVE JUROR: Six years.

11 MR. ROSENBLATT: You promised the judge you would
12 be fair when you listened to police officers, correct?

13 PROSPECTIVE JUROR: Yes.

14 MR. ROSENBLATT: You are going to be fair when you
15 hear from a police officer. You promise us that, right?

16 PROSPECTIVE JUROR: Yes.

17 MR. ROSENBLATT: You heard my example earlier,
18 Mr. Martinez, about one witness. I used different
19 scenarios. The idea is the same. If you only heard from
20 one witness and one witness convinced you to your
21 satisfaction beyond a reasonable doubt in this case of all
22 of the elements that the judge is going to tell you and
23 that's the only witness you hear from, can you reach a
24 verdict after listening to that one witness if that witness
25 convinces you to your satisfaction?

Proceedings

1 PROSPECTIVE JUROR: Yes.

2 MR. ROSENBLATT: What would your verdict be if
3 that witness convinced you to your satisfaction of each
4 element beyond a reasonable doubt?

5 PROSPECTIVE JUROR: Guilty.

6 MR. ROSENBLATT: If you heard from one witness and
7 the witness satisfied you, Mr. Yoong, to your satisfaction,
8 what would your verdict be?

9 PROSPECTIVE JUROR: I think it would be sufficient
10 to find him guilty.

11 MR. ROSENBLATT: Would anyone think, Well, I only
12 heard from one witness. Why are they only putting on one
13 witness? Would you think that, Miss Barnes?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Excuse me, Mr. DA. One more minute.

16 MR. ROSENBLATT: Thank you, Judge.

17 Because you can't speculate, and you can't base
18 your verdict on a whim or hindsight or speculation. Only on
19 the evidence.

20 Miss Coronado, you promise to do that?

21 PROSPECTIVE JUROR: Yes.

22 MR. ROSENBLATT: Miss Coronado, did you ever get
23 pulled over for a traffic infraction?

24 PROSPECTIVE JUROR: No.

25 MR. ROSENBLATT: Anyone? Traffic infraction?

Proceedings

1 Mr. Yoong, when you got pulled over, were you mad
2 at the police officer?

3 PROSPECTIVE JUROR: Actually, no.

4 MR. ROSENBLATT: Mr. Stec.

5 PROSPECTIVE JUROR: No.

6 MR. ROSENBLATT: Mr. Martinez, did you raise your
7 hand.

8 PROSPECTIVE JUROR: No.

9 MR. ROSENBLATT: Miss Geraci.

10 PROSPECTIVE JUROR: No.

11 MR. ROSENBLATT: You would agree that police
12 officers, when they pulled you over, Mr. Yoong, he was doing
13 his job?

14 PROSPECTIVE JUROR: Yes. I was speeding.

15 MR. ROSENBLATT: You don't hold a grudge against
16 the man or the woman, correct?

17 PROSPECTIVE JUROR: No.

18 MR. ROSENBLATT: Police officers, like everyone
19 else, have a job to do. They just wear a uniform different
20 than you may wear in your job, correct?

21 PROSPECTIVE JUROR: Yes.

22 MR. ROSENBLATT: Who has kids? Quickly. Age.

23 PROSPECTIVE JUROR: Daughter 20.

24 MR. ROSENBLATT: Yes.

25 PROSPECTIVE JUROR: Older, adults.

Proceedings

1 MR. ROSENBLATT: How many?

2 PROSPECTIVE JUROR: Two.

3 MR. ROSENBLATT: Miss Barnes.

4 PROSPECTIVE JUROR: Twenty-one.

5 MR. ROSENBLATT: Mr. Martinez.

6 PROSPECTIVE JUROR: Grown children. Three boys.

7 MR. ROSENBLATT: You agree some adults tell the
8 truth, Mr. Stec?

9 PROSPECTIVE JUROR: Yes.

10 MR. ROSENBLATT: Some children tell the truth.

11 PROSPECTIVE JUROR: Yes.

12 MR. ROSENBLATT: Some children lie.

13 PROSPECTIVE JUROR: Yes.

14 MR. ROSENBLATT: Some adults lie.

15 PROSPECTIVE JUROR: Yes.

16 MR. ROSENBLATT: The fact that if you hear a child
17 versus an adult doesn't mean they are lying or telling the
18 truth just based upon their age or sex, right?

19 PROSPECTIVE JUROR: Yes.

20 MR. ROSENBLATT: You will give them a fair chance?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Thank you, Mr. ADA.

23 Mr. Bandelli, you may proceed.

24 MR. BANDELLI: Thank you, Judge.

25 Good afternoon, everybody. We are almost there.

Proceedings

1 Everybody heard everything I have to say, yes? Yes?

2 I would rather listen than speak right now. I
3 know lawyers like to speak all of the time, but I'm going to
4 try to listen. Tell me why you think you are a good person
5 to sit on this jury. Miss Padin, tell me.

6 PROSPECTIVE JUROR: What do you mean?

7 MR. BANDELLI: Well, you know what? You sound
8 like you are proud of your son.

9 PROSPECTIVE JUROR: I am.

10 MR. BANDELLI: Do you know why that concerns me?
11 If a police officer is going to get up there, guess what I'm
12 going to do.

13 PROSPECTIVE JUROR: Question him.

14 MR. BANDELLI: I'm going to yell at him. I'm
15 going to ask him tough questions.

16 PROSPECTIVE JUROR: You are allowed to.

17 MR. BANDELLI: I'm allowed.

18 Now, are you going to be like, Wow, he could be
19 yelling at my son?

20 PROSPECTIVE JUROR: I don't believe it's my son
21 there.

22 MR. BANDELLI: I'm not doing it to play games or
23 put you on the defensive. I have to make a good decision.
24 I get the sense you are good at making decisions. You seem
25 pretty firm. Do you think you can be a fair and impartial

Proceedings

1 juror?

2 PROSPECTIVE JUROR: I think so.

3 MR. BANDELLI: You are not going to be concerned
4 if my client does or does not testify?

5 PROSPECTIVE JUROR: I don't know about that.

6 MR. BANDELLI: Good. So that's something you need
7 to discuss with me. Tell me.

8 PROSPECTIVE JUROR: I believe that person there is
9 supposed to say something. He is accused of something. He
10 is suppose to say something.

11 THE COURT: Excuse me, ma'am. As I said before,
12 we always like to hear both sides of a story in life, right?
13 Something happens. You want to hear both sides of the
14 story.

15 In the American criminal justice system, it's not
16 like that. The DA bring the accusation which in this case
17 is an indictment. He must prove it beyond a reasonable
18 doubt. The defendant doesn't have to do anything. Okay?

19 PROSPECTIVE JUROR: Okay.

20 THE COURT: Can you follow that?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: As much as we like to hear both sides
23 of a story, in the criminal justice system it doesn't
24 happen.

25 PROSPECTIVE JUROR: Okay.

Proceedings

1 THE COURT: Sometimes you do. Most of the times
2 you don't.

3 PROSPECTIVE JUROR: You have to excuse me. It's
4 my first time here. I don't know the law.

5 THE COURT: That's why I'm explaining it to you.
6 Can you follow my instructions?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: Thank you. You're welcome.

9 MR. BANDELLI: Thank you for being forward. I get
10 a sense you are comfortable being forward.

11 PROSPECTIVE JUROR: Yes.

12 MR. BANDELLI: I'm forward, too. Let me ask you
13 this question. If you think that the police officer is not
14 telling the truth, you don't have a problem going back there
15 into the jury room -- if you are a juror, you won't go back
16 into deliberations and say, You know what? I know he is a
17 police officer like my son, but I think he is a liar.

18 PROSPECTIVE JUROR: I have no problem.

19 MR. BANDELLI: Good.

20 Miss Geraci, anything you would like to tell me
21 about yourself that might help me? The truth is I need
22 assistance here. We don't know each other. What is it that
23 would make me feel confident that, regardless of which way
24 you decide, you are going to be a fair and impartial juror?

25 PROSPECTIVE JUROR: Well, I think that's the whole

Proceedings

1 point. I think I could be fair and impartial. Until I hear
2 the evidence. I think I would not make a judgment on
3 someone just by hearsay or just by looking at a person.

4 MR. BANDELLI: Right now you don't have your mind
5 made up.

6 PROSPECTIVE JUROR: Not at all.

7 MR. BANDELLI: You have no feelings about my
8 client at all.

9 PROSPECTIVE JUROR: No.

10 MR. BANDELLI: Mr. Stec, the only thing you said
11 you have a connection to the Police Department, right?

12 PROSPECTIVE JUROR: Yes.

13 MR. BANDELLI: Is there anything about that that I
14 should know in terms of conversations you may have about
15 what goes on in your life that might influence how you
16 approach this case?

17 PROSPECTIVE JUROR: No. He is a normal person
18 like everyone else.

19 THE COURT: One more minute.

20 MR. BANDELLI: Mr. Yoong, I only have another
21 minute. I'm going to quit here. How is that? Thank you.

22 You shook your head. Do you feel bad I didn't ask
23 you a question? Do you want me to ask you a question?

24 PROSPECTIVE JUROR: No.

25 MR. BANDELLI: Okay. I won't ask you a question.

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1 Thank you very much.

2 THE COURT: Come in the back when you are both
3 ready.

4 (The following proceedings took place at
5 side-bar:)

6 THE COURT: Any challenge for cause as to Stec or
7 Geraci.

8 MR. ROSENBLATT: No.

9 MR. BANDELLI: No.

10 THE COURT: Any perempts, People?

11 MR. ROSENBLATT: No.

12 THE COURT: Any perempt?

13 MR. BANDELLI: Stec.

14 THE COURT: Defense challenges Jonathan Stec,
15 prospective juror number two.

16 Maryann Geraci is acceptable to both sides?

17 MR. ROSENBLATT: Yes.

18 MR. BANDELLI: Yes.

19 THE COURT: She becomes juror number 11.

20 People, any challenge for cause as to Maria Padin?

21 MR. ROSENBLATT: No.

22 THE COURT: Any cause challenge?

23 MR. BANDELLI: No.

24 THE COURT: Any perempt, People?

25 MR. ROSENBLATT: No.

Proceedings

1 THE COURT: Any perempt?

2 MR. BANDELLI: Yes.

3 THE COURT: Defense challenge Maria Padin.

4 THE CLERK: Eight for the People, 14 for the
5 defendant.

6 THE COURT: Any challenge for cause as to Veronica
7 Barnes?

8 MR. ROSENBLATT: No.

9 MR. BANDELLI: No.

10 THE COURT: Any perempt?

11 MR. ROSENBLATT: Yes.

12 THE COURT: People challenge Veronica Barnes,
13 prospective jurors number six.

14 Arlene Coronado, any cause challenge, People?

15 MR. ROSENBLATT: No.

16 THE COURT: Defense?

17 MR. BANDELLI: No.

18 THE COURT: Any perempt, People?

19 MR. ROSENBLATT: Yes.

20 THE COURT: People challenge Arlene Coronado.

21 People, any challenge for cause as to Henry
22 Martinez?

23 MR. ROSENBLATT: No.

24 THE COURT: Any cause?

25 MR. BANDELLI: I think there is, Judge, but you

Proceedings

1 may want to flush it out more. When he was questioned, he
2 said that he was married to the court attorney for Judge
3 Sherman. Judge Sherman presided over the Family Court
4 matter that involved my client and his family. I didn't
5 bring it up because the rule is don't go into the facts of
6 the case. There is no way to bring it up to this guy
7 without going into the facts of this case. I'm potentially
8 poisoning --

9 MR. ROSENBLATT: I didn't hear the name, but you
10 asked the entire panel if they knew anybody, if they heard
11 of us when they came in. We had no response from
12 Mr. Martinez. If the Court wants to inquire as to him as to
13 if he knows any of the parties --

14 MR. BANDELLI: My sense is he probably doesn't
15 know the parties. My sense is that he is married to
16 somebody who is overseeing a case involving him and his
17 family. There has been a finding already. It's like it
18 defies the whole premises of this jury selection thing to
19 have somebody who has a connection to somebody who has
20 already found him guilty as a juror in this case.

21 THE COURT: Bring in Mr. Martinez, please.

22 Hello, Mr. Martinez. I don't want you to think
23 that we are picking on you, but I just wanted to ask you a
24 couple of questions. Who does your wife work for?

25 PROSPECTIVE JUROR: Judge Carol Stokinger. She is

Proceedings

1 in Queens Family Court. She is a supervising judge.

2 THE COURT: Supervising judge?

3 PROSPECTIVE JUROR: Right.

4 THE COURT: Do you talk to her about her cases at
5 all?

6 PROSPECTIVE JUROR: I usually just listen. She is
7 venting. You know, at the end of a long day she talks a lot
8 about cases and stuff like that. Nothing specific but a lot
9 of --

10 THE COURT: Does she ever talk about names of
11 cases?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. If you are selected as a juror,
14 you know you are not allowed to talk to anyone, including
15 your wife, even though she works for a judge.

16 PROSPECTIVE JUROR: Correct.

17 THE COURT: You have no problem with that?

18 PROSPECTIVE JUROR: I have no problem with that.

19 THE COURT: Thank you, sir.

20 I thought I heard the name Stokinger.

21 MR. BANDELLI: I thought he said Sherman. They
22 were both Carol. There is a Judge Carol Sherman in Family
23 Court. He said Judge Carol --

24 THE COURT: So, this is not the judge --

25 MR. BANDELLI: No.

Proceedings

1 THE COURT: -- that you thought it was.

2 Are you withdrawing your cause challenge?

3 MR. BANDELLI: Yes, I withdraw my challenge for
4 cause.

5 THE COURT: Off the record.

6 (Discussion held off the record.)

7 MR. BANDELLI: Judge, I do keep my challenge for
8 cause if you are going to deny it. You are going to deny
9 it. You are not going to deny it. I have one perempt left
10 anyway.

11 THE COURT: Off the record.

12 (Discussion held off the record.)

13 MR. BANDELLI: He is too close to the system.

14 THE COURT: It's on the record. What's your
15 challenge for cause as to Henry Martinez.

16 MR. BANDELLI: My challenge for cause is based on
17 the fact that he is married to the Court attorney for a
18 Family Court judge, the supervising judge. My client in
19 this case has had a matter pending in Family Court for the
20 past year where there were numerous findings against him
21 having to do with the exact charges pending before your
22 Honor. I don't believe that it would be to the advantage of
23 this case to have somebody with his intimate exposure to the
24 on-goings of Family Court when this case has to do exactly
25 with that.

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1 Your Honor, I don't think that he could be a fair
2 and impartial juror to the extent that he is limited by
3 virtue of the fact that he lives with someone who is part of
4 the system.

5 THE COURT: What's the People's position?

6 MR. ROSENBLATT: Judge, I think the argument most
7 respectfully is completely ludicrous. It's like saying
8 because Miss Padin, potential juror number five's, son is a
9 member of the New York City Police Department there is a
10 possibility that he might have spoken to somebody in the
11 precinct about a case in Queens. It's so far removed. They
12 are not related in any ay whatsoever. I find that there is
13 no reason to dismiss the potential juror.

14 THE COURT: Defendant's application for cause
15 challenge as to Henry Martinez is granted.

16 The People, any challenge for cause as to Michael
17 Yoong?

18 MR. ROSENBLATT: No.

19 THE COURT: Any challenge for cause, Mr. Bandelli?

20 MR. BANDELLI: No.

21 THE COURT: Any perempt, People?

22 MR. ROSENBLATT: No.

23 THE COURT: Any perempt?

24 MR. BANDELLI: No.

25 THE COURT: He becomes juror number 12.

Proceedings

1 We will select alternates first thing in the
2 morning. We will open. You have your witness tomorrow who
3 is going on vacation.

4 MR. ROSENBLATT: Yes. I'll have him available
5 tomorrow.

6 THE COURT: Which witness is that?

7 MR. ROSENBLATT: The detective.

8 THE COURT: What's his name?

9 MR. ROSENBLATT: Lennard Shulman.

10 THE COURT: Where does he work?

11 MR. ROSENBLATT: The 105 Squad.

12 THE COURT: Your client is not Muslim.

13 MR. BANDELLI: No.

14 Off the record.

15 (Discussion held off the record.)

16 (In open court.)

17 THE CLERK: Of the jurors seated in the jury box,
18 will the following two people please remain seated:
19 Maryanne Geraci and Michael N. Yoong. You two people remain
20 seated. The other five, go back to central jury now.
21 Mr. Yoong you are going to be alternate -- juror number 12
22 second to last right there, and, Miss Geraci, you will be
23 number 11.

24 PROSPECTIVE JUROR: Okay.

25 THE CLERK: Will our two new jurors please rise

Proceedings

1 and raise your right hand.

2 (Selected jurors sworn in by the clerk of the
3 court.)

4 THE COURT: Let them sit there.

5 We are going to recess for the evening. Members
6 of the jury, remember, you are not to discuss this case
7 among yourselves or with anyone else. If anyone tries to
8 discuss it, you are to bring it to my attention immediately.
9 You are not to visit any locations mentioned so far, and you
10 are not to form any opinion as to whether or not you feel
11 the defendant is guilty or not guilty of the crimes with
12 which he is charged.

13 We are going to finish selecting the jury tomorrow
14 morning, and you can come back here tomorrow -- give you an
15 extra hour of sleep -- 10:30 tomorrow morning. Tomorrow
16 morning come back here at 10:30 while we are selecting the
17 rest of the jury.

18 Enjoy your evening. Get home safely. Come back
19 here tomorrow morning 10:30. Follow the instruction of the
20 court officer.

21 (Panel of sworn jurors exits the courtroom.)

22 THE COURT: Any matters before we recess for the
23 evening?

24 MR. ROSENBLATT: I have none, your Honor.

25 MR. BANDELLI: No, Judge.

Proceedings

1 THE COURT: All right. 9:30 tomorrow morning.

2 MR. BANDELLI: Yes, sir.

3 * * *

4 (Whereupon, the trial was adjourned to Thursday,
5 July 8, 2010.)
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1 SUPREME COURT OF THE STATE OF NEW YORK.

2 COUNTY OF QUEENS: CRIMINAL TERM: PART TAP-D

3 -----X

4 THE PEOPLE OF THE STATE OF NEW YORK : Indictment
: No. 2065/08

5 -against- :
:

6 HAROLD GOPAUL, :
7 :
8 Defendant. : CRM SX ACT 1
:

9 -----X JURY TRIAL

10 125-01 Queens Boulevard
11 Kew Gardens, New York
12 July 8, 2010

13 B e f o r e:

14 HONORABLE GREGORY L. LASAK,
15 Supreme Court Justice

16 A p p e a r a n c e s:

17 HONORABLE RICHARD A. BROWN
18 District Attorney, Queens County
19 BY: JARED ROSENBLATT, ESQ.

20 STANFORD BANDELLI, ESQ.
21 Attorney for Defendant
22 16 Court Street
23 Brooklyn, New York

24 * * *

25 SHERYL FITZPATRICK, RPR CSR
Official Court Reporter

Proceedings

1 THE CLERK: Case on trial, People versus Harold
2 Gopaul. Let the record reflect the defendant is before the
3 Court.

4 Counsel, your appearances, please.

5 MR. ROSENBLATT: For the People Assistant District
6 Attorney Jared Rosenblatt.

7 Good morning, your Honor.

8 MR. BANDELLI: Stanford Bandelli on behalf of the
9 defendant, Harold Gopaul.

10 Good morning, Judge Lasak.

11 THE COURT: Good morning.

12 MR. ROSENBLATT: Judge, I have the logbook from
13 Monday June 23, 2008 from 11:50 p.m. through June 24, 2008
14 at 5:52 in the morning. Most respectfully, Judge, there is
15 nothing in this logbook that is Rosario or discoverable. I
16 could turn it over to the Court for an in-camera inspection,
17 but there is nothing in here that, by law, I'm required to
18 turn over. I'll turn it over if your Honor wishes me to,
19 but, you know, this becomes a fishing expedition both
20 through the Nassau case and here in Queens.

21 THE COURT: Mr. Bandelli.

22 MR. BANDELLI: Judge, I wasn't involved in the
23 Nassau case, so if somebody was fishing out there, I had
24 nothing to do with that.

25 The bottom line is nobody seems to be able to

Proceedings

1 answer when Mr. Gopaul voluntarily walked into the precinct
2 or reported his daughter missing. Nobody is able to say who
3 the police officers were that initially talked to
4 Mr. Gopaul, who put him in custody. That entry --

5 THE COURT: Do you know anything about that? Who
6 were the first detectives/officers to contact the defendant?

7 MR. ROSENBLATT: I believe, Judge, when Mr. --
8 Judge, it's going to come out during course of this trial
9 that a witness observed Mr. Gopaul walk into the precinct
10 and placed in handcuffs by a litany of officers. The exact
11 names, I don't know. I could tell you a few of the names
12 that were down there, but those witnesses won't be called to
13 testify.

14 MR. BANDELLI: Well, they may be witnesses that I
15 want to call.

16 THE COURT: I asked you a simple question. Do you
17 know who the officers were that first spoke to the defendant
18 in this case?

19 MR. ROSENBLATT: The first person who spoke to the
20 defendant was Detective Schulman. No one spoke to the
21 defendant before Detective Schulman.

22 THE COURT: He walked into a precinct to report
23 his daughter missing; is that correct?

24 MR. ROSENBLATT: Yes. Well, I don't know why he
25 walked into the precinct. That's his allegation.

Proceedings

1 MR. BANDELLI: Well, actually it's contained in
2 the police reports that were provided by the DA. Detective
3 Schulman actually says he walked into the precinct to report
4 his daughter missing, and that came from somebody else
5 downstairs.

6 THE COURT: Who did he speak to? The sergeant at
7 the desk?

8 MR. ROSENBLATT: Correct.

9 THE COURT: Who is the sergeant?

10 MR. ROSENBLATT: I believe it was Sergeant
11 O'Hagan.

12 THE COURT: Why didn't you say that?

13 MR. ROSENBLATT: I'm not one hundred percent
14 certain that's true. I believe it based on my information,
15 but I don't believe it's relevant in regards to the trial.

16 THE COURT: Did you do the Huntley hearing in this
17 case?

18 MR. ROSENBLATT: There was no Huntley. The same
19 hearing regarding the same issues was done in Nassau. Judge
20 Grosso ruled because the issues were the same and a judge in
21 Nassau ruled in regards to that hearing, there was no
22 hearing to be done here.

23 THE COURT: That's fine, but there is also a
24 voluntariness issue at this trial as far as a statement is
25 concerned.

Proceedings

1 MR. ROSENBLATT: Absolutely, Judge.

2 THE COURT: As the DA on that case, you would like
3 to know who spoke to him before Schulman spoke to him.

4 MR. ROSENBLATT: When he came in --

5 THE COURT: I'm just telling you that. Okay?

6 MR. ROSENBLATT: I understand, Judge.

7 THE COURT: That's the reason that they asked for
8 this log. I don't know whose names are on this log. Is
9 that the desk sergeant's log?

10 MR. ROSENBLATT: Yes.

11 THE COURT: Hand that up to the Court, please.

12 MR. ROSENBLATT: Yes, your Honor.

13 Judge, I believe the other page I turned over to
14 your Honor with the other materials.

15 THE COURT: I'm returning this copy of the
16 sergeant's log entries from the night of the 23rd into the
17 morning at 5:57 the morning of June 24, 2008. There is
18 nothing in here, number one, that's relevant or has anything
19 to do with this case.

20 Number two, there is no listing of any officers
21 who were working at that time. There is a listing there of
22 one entry where officers are going to work overtime towards
23 4 o'clock in the morning. The DA has given you the name of
24 that sergeant. I suggest you go out and try to speak to
25 that sergeant with your investigator. Take it from there.

Proceedings

1 MR. BANDELLI: Judge, is there anything in the
2 paperwork that indicates what time Mr. Gopaul walked into
3 the precinct?

4 THE COURT: There is no indication in that
5 paperwork of a Mr. Gopaul.

6 MR. BANDELLI: Don't you think that's highly
7 unusual? This guy -- listen --

8 THE COURT: In the 105 Precinct? Not unusual.

9 MR. BANDELLI: All right.

10 THE COURT: Not unusual.

11 MR. BANDELLI: Well, if there is any paperwork
12 that is existing anywhere or that should be existing
13 anywhere that reflects the time a person walks into the
14 precinct to report a crime, I would demand that that
15 paperwork be turned over, and if they are going to say it
16 doesn't exist, let it go on the record.

17 THE COURT: Normally when somebody walks in the
18 precinct to report a crime, they are sent to what is
19 called -- I don't know if it's still called the 124 room
20 where there is a police administrative assistant in there.

21 MR. BANDELLI: I agree, Judge. That's my
22 experience.

23 MR. ROSENBLATT: Except in the situation when the
24 individual is walking in to report a crime that they are in
25 fact the subject of that crime, then the rules are slightly

Proceedings

1 altered.

2 THE COURT: Thank you for that enlightenment.

3 MR. ROSENBLATT: You're welcome, your Honor.

4 THE COURT: Anything else?

5 MR. BANDELLI: Not at this time, Judge.

6 THE COURT: All right. We have a supplemental
7 panel outside. We will select the alternate jurors.

8 MR. ROSENBLATT: How long will your Honor permit
9 us questioning of the alternates?

10 THE COURT: Approach the bench.

11 (Side-bar discussion held off the record.)

12 (Panel of prospective jurors enters the
13 courtroom.)

14 THE CLERK: Case on trial, People versus Harold
15 Gopaul. All parties are present, your Honor. Supplemental
16 panel is present.

17 THE COURT: Good morning, ladies and gentlemen.
18 I'm justice Gregory Lasak. I'll be presiding over this
19 trial which is a trial of a criminal matter entitled the
20 People of the State of New York against Harold Gopaul, the
21 defendant.

22 I'm going to ask the clerk to please swear you in
23 at this point.

24 THE CLERK: All members of the panel please rise
25 and raise your right hand.

Proceedings

1 (Panel sworn in by the clerk of the court.)

2 THE COURT: Fill up the jury box, please.

3 THE CLERK: Christopher Nazario, N-a-z-a-r-i-o,
4 seat number one, please.

5 Barbara A. Declementi, D-e-c-l-e-m-e-n-t-i, seat
6 number two, please.

7 Jordan Salvit, S-a-l-v-i-t, seat number three.

8 Hasnain Sherazi, H-a-s-n-a-i-n, S-h-e-r-a-z-i,
9 seat number four, please.

10 Brady Berman, B-e-r-m-a-n, seat number five,
11 please.

12 Bhanwanti Basdeo, B-h-a-n-w-a-n-t-i. Last name
13 B-a-s-d-e-o, seat number six, please.

14 Azucena C. Castillo, A-z-u-c-e-n-a,
15 C-a-s-t-i-l-l-o, seat number seven, please.

16 Seat number eight, Daniel E. Manini, M-a-n-i-n-i,
17 seat number eight.

18 Jin R. Fang, J-i-n, R, F-a-n-g, seat number nine
19 please.

20 Georgia A. Francis-Wallace, F-r-a-n-c-i-s,
21 W-a-l-l-a-c-e, seat number ten, please.

22 Shira T. Kavon, S-h-i-r-a, T, K-a-v-o-n, seat
23 number 11, please.

24 Michele Wong, W-o-n-g, seat number 12, please.

25 Deborah Freeman, F-r-e-e-m-a-n, seat number 13,

Proceedings

1 please.

2 Joseph L. Schneider, S-c-h-n-e-i-d-e-r, seat
3 number 14, please.

4 Virginia M. Brown, B-r-o-w-n, seat number 15,
5 please.

6 Audrey J. Demarco, D-e-m-a-r-c-o, seat number 16,
7 please.

8 THE COURT: I'm going to be addressing the 16
9 prospective jurors in the jury box, but I would like
10 everyone out there to please pay attention. This is a
11 criminal matter entitled the People of the State of New York
12 against Harold Gopaul, the defendant. The defendant is
13 seated over there in the white shirt.

14 As you know, or should know, the DA of this county
15 is Richard Brown, and he appoints assistant district
16 attorneys to represent him and the People of the State of
17 New York in these criminal trials here.

18 Representing the People of the State of New York
19 in this trial is Mr. ADA Rosenblatt.

20 Would you please stand up?

21 MR. ROSENBLATT: Good morning. Good morning.

22 THE COURT: And representing Mr. Gopaul is his
23 attorney, Mr. Stanford Bandelli. Please stand up.

24 MR. BANDELLI: Good morning, ladies and gentlemen.
25 Good morning, everybody.

Proceedings

1 THE COURT: The charges in this case are, among
2 others, criminal sexual act in the first degree, sexual
3 abuse in the first degree and criminal sexual act in the
4 third degree plus some other charges. I'm going to read a
5 list of prospective witnesses or people whose names may come
6 up during the course of this trial to see if you are
7 familiar with any of these names, just as I introduced the
8 parties to you to see if you are familiar with them.

9 Sana Awan, Denise Alioto, Christine Alioto, Merlin
10 Gopaul, Ashley Gangaram, Dalip Gopaul, Carmen Seunarine,
11 Phelafhwar Sukhram, Sulma Paguada, Veronica Reyes, Joyce
12 Cuba, Detective Lennard Shulman, ADA Brian Hughes, Police
13 Officer Celica Alfaro, Police Officer Sarah Morris, Barbara
14 Heffernan, Dr. Don Lewittes.

15 Anyone familiar with those names? Raise your
16 hands.

17 Okay. The locations we are going to be concerned
18 with during the course of this trial are 242-10 89 Avenue
19 and 74-20 Commonwealth Boulevard. Those locations are in
20 Bellerose out in eastern Queens, and the time period we are
21 going to be concerned with is May 2005 to June of 2008. We
22 have already selected most of the jury on this case. You
23 are a supplemental panel. We are going to finish the jury
24 selection and start the trial today. That's where we stand
25 on this case today.

Proceedings

1 I'm going to go over three basic principles of law
2 with you. These basic principles apply to every criminal
3 case in New York State and have applied to every criminal
4 case in New York State since we started hundreds of years
5 ago, and they are the defendant, as he is seated there, is
6 presumed innocent. The DA has what we call the burden to
7 prove him guilty beyond a reasonable doubt, a term I'll
8 explain to you later on; and if the defendant decides not to
9 testify in his own behalf, that's not a factor from which
10 you can draw an inference unfavorable to him.

11 Anyone have a problem understanding that or
12 understanding English? Raise your hand right now.
13 Everybody here understood everything I just said?

14 PROSPECTIVE JUROR: Not much.

15 THE COURT: Miss Castillo.

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Come up, please.

18 (The following proceedings took place at
19 side-bar:)

20 THE COURT: Hi. You didn't understand everything
21 I was saying?

22 PROSPECTIVE JUROR: Not much, your Honor.

23 THE COURT: Okay. How long have you been in this
24 country?

25 PROSPECTIVE JUROR: More than 30 years.

Proceedings

1 THE COURT: 30 years?

2 PROSPECTIVE JUROR: 37, yeah, but mostly I speak
3 people like me, spanish. I understand a lot, you know.

4 THE COURT: But not everything.

5 PROSPECTIVE JUROR: Not everything.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: The technical words, you know.

8 THE COURT: Okay. You see, in a criminal case
9 it's important that a juror understands a hundred percent.

10 PROSPECTIVE JUROR: That's what I understand.

11 THE COURT: Otherwise, it wouldn't be fair.

12 I want to thank you for being a good citizen and
13 coming in and answering the jury duty summons, but we are
14 going to excuse you from jury duty.

15 PROSPECTIVE JUROR: Thank you.

16 THE COURT: Okay. The officer will give you a
17 slip.

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: Thank you very much. Have a nice day.
20 Miss Castillo is excused consent of both sides?

21 MR. ROSENBLATT: Yes.

22 MR. BANDELLI: Yes.

23 (In open court.)

24 THE COURT: Anyone else have their hands up?
25 Fill the seat, please.

Proceedings

1 THE CLERK: Latchmi Chowtie, L-a-t-c-h-m-i,
2 C-h-o-w-t-i-e, seat number seven, please.

3 THE COURT: Good morning, Miss Chowtie. Is that
4 your name?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Did you understand those three basic
7 principles I just stated?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: No problem?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Okay. Now that I know everyone
12 understood them, anyone have a problem following them?

13 You see, if you are selected as a juror in this
14 case, you become what we call a judge of the facts, and I'm
15 the judge of the law, and I give you the law throughout the
16 case, and you must abide by the law that I give to you even
17 if you privately disagree with me. You all took an oath, so
18 this is serious. Do you all understand that?

19 Our goal here is to impanel the rest of this jury
20 that can be fair and impartial to both sides. We are going
21 to ask you some questions and you are going to respond.
22 Well, first I'm going to ask you some questions. You will
23 respond by please raising your hands, and then the attorneys
24 will ask you some questions.

25 Has anyone here ever served as a juror before on a

Proceedings

1 criminal case and actually sat and listened to testimony as
2 a juror on a criminal case? Please raise your hand.

3 Miss Declementi.

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: About how many years ago was it?

6 PROSPECTIVE JUROR: Twenty.

7 THE COURT: Twenty?

8 PROSPECTIVE JUROR: I've been on a jury three
9 times. One was criminal.

10 THE COURT: Okay. The criminal case that was 20
11 years ago, without telling me what it was, were you able to
12 reach a verdict?

13 PROSPECTIVE JUROR: Yes, we were.

14 THE COURT: Were you satisfied with that verdict?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: What was the person charged with in
17 that case?

18 PROSPECTIVE JUROR: It was a sexual molestation
19 case.

20 THE COURT: Okay. Thank you very much.

21 Mr. Salvit, how many years ago did you serve on a
22 criminal case?

23 PROSPECTIVE JUROR: About, I think, seven years.

24 THE COURT: Seven years ago?

25 PROSPECTIVE JUROR: Yes.

Proceedings

1 THE COURT: Again, without telling me what it was,
2 were you able to reach a verdict?

3 PROSPECTIVE JUROR: We were.

4 THE COURT: Were you satisfied with it?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: What was the charge in that case?

7 PROSPECTIVE JUROR: A grand larceny.

8 THE COURT: What was taken in that case?

9 PROSPECTIVE JUROR: What was proven was taken was
10 a small monetary item. They were looking for I think it was
11 a computer.

12 THE COURT: Thank you very much.

13 Anybody else have their hand up that I missed?

14 Any of you been the victim of a crime? If you
15 have been the victim of a crime, raise your hand. Had your
16 car stolen, house broken into, somebody hurt you in some
17 manner that you had to call the police, please raise your
18 hand. Thank you.

19 Mr. Manini.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: What happened to you?

22 PROSPECTIVE JUROR: Somebody broke my car window
23 with a brick. Ripped out the stereo.

24 THE COURT: Okay. Did you call the police?

25 PROSPECTIVE JUROR: Yes, I did.

Proceedings

1 THE COURT: Was anybody arrested?

2 PROSPECTIVE JUROR: No, they weren't.

3 THE COURT: I'm sure you would agree with me that
4 that has nothing to do with this case.

5 PROSPECTIVE JUROR: Absolutely nothing.

6 THE COURT: You could be fair to both sides?

7 PROSPECTIVE JUROR: Pardon me?

8 THE COURT: You could be fair to both sides?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Thank you.

11 Mr. Demarco, what happened to you?

12 PROSPECTIVE JUROR: Home robbery.

13 THE COURT: Burglary.

14 PROSPECTIVE JUROR: Correct.

15 THE COURT: About how many years ago?

16 PROSPECTIVE JUROR: Approximately ten years ago.

17 Twice, actually. Ten and 12 years ago.

18 THE COURT: Did you call the police?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Was anyone arrested?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Again, I'm sure you would agree with
23 me that that has nothing to do with this case.

24 PROSPECTIVE JUROR: I agree.

25 THE COURT: You could be fair to both sides?

Proceedings

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Thank you.

3 Miss Brown.

4 PROSPECTIVE JUROR: Yes, but then I didn't make a
5 police report. Somebody was tampering with my car. I
6 forget. I didn't make a police report.

7 THE COURT: You could be fair to both sides?

8 PROSPECTIVE JUROR: It wasn't that big of a deal.

9 THE COURT: Okay. Thank you, Miss Brown.

10 Mr. Schneider, what happened to you?

11 PROSPECTIVE JUROR: Two years ago I got robbed at
12 gun point.

13 THE COURT: Was that out on the street?

14 PROSPECTIVE JUROR: Yes, Long Island City.

15 THE COURT: What time of the day was it?

16 PROSPECTIVE JUROR: This was at nighttime. About
17 seven o'clock at night.

18 THE COURT: Did you call the police?

19 PROSPECTIVE JUROR: Sure did.

20 THE COURT: Anyone arrested?

21 PROSPECTIVE JUROR: No.

22 THE COURT: How long ago was that?

23 PROSPECTIVE JUROR: Two years ago.

24 THE COURT: All right. The reason I ask this
25 question is we come into the courtroom with various

Proceedings

1 experiences in life, hopefully most of them good, some of
2 them bad like you jurors are now relating to us.

3 We don't expect you to forget about these things.
4 Obviously you won't forget about the gun in your face;
5 however, if you are selected as a juror, all we ask is that
6 you place your memory of that aside and sit and listen to
7 the testimony and the evidence and render a verdict on that
8 and not on what happened to you. Otherwise, it wouldn't be
9 fair. You would have no problem doing that, right?

10 PROSPECTIVE JUROR: I don't know. I don't think I
11 could be a fair juror.

12 THE COURT: You don't think you could be fair?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Come up.

15 (The following proceedings took place at
16 side-bar:)

17 THE COURT: Why can't you be fair, Mr. Schneider?

18 PROSPECTIVE JUROR: What is that?

19 THE COURT: Why can't you be fair?

20 PROSPECTIVE JUROR: I was put at gunpoint, and I
21 just don't feel that I'm a fair juror over here, you know.
22 It was a scary experience.

23 THE COURT: I'm not debating that. You don't
24 think Mr. Gopaul stuck that gun in your face.

25 PROSPECTIVE JUROR: No, but there is another

Proceedings

1 incident that happened with my cousin, so --

2 THE COURT: What happened with your cousin?

3 PROSPECTIVE JUROR: She was sexually abused.

4 THE COURT: We are going to send you over to
5 central jury to sit on civil cases because you can't be fair
6 on criminal cases. Okay?

7 PROSPECTIVE JUROR: Thank you.

8 THE COURT: Thank you, Mr. Schneider.

9 Mr. Schneider is excused consent of both sides?

10 MR. BANDELLI: Yes.

11 MR. ROSENBLATT: Yes.

12 (In open court.)

13 THE COURT: Fill the seat, please.

14 THE CLERK: Edward Wagner, W-a-g-n-e-r, seat
15 number 14, please.

16 THE COURT: Good morning, Mr. Wagner.

17 Were you able to hear those three basic principles
18 of law?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Any problem following them?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Have you ever been the victim of a
23 crime?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: What happened to you?

Proceedings

1 PROSPECTIVE JUROR: Well, car stolen, mugged.

2 THE COURT: How long ago were you mugged?

3 PROSPECTIVE JUROR: Many years ago. A long time
4 ago.

5 THE COURT: Okay. Anything about those incidents
6 that would prevent you from being fair in this case?

7 PROSPECTIVE JUROR: I don't think so. I don't
8 believe so, no.

9 THE COURT: I can have your assurance you will be
10 fair to both sides?

11 PROSPECTIVE JUROR: I'll try.

12 THE COURT: Have you ever served as a juror
13 before?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Okay. Miss Freeman, you had your hand
16 up.

17 Anyone else if the back row have their hand up was
18 the victim of a crime?

19 As you can see by the charges that I read off to
20 you, they involve charges of a sexual nature and the case
21 involves a family member.

22 Anything about the nature of those charges that
23 would give any juror here a problem sitting on this case?

24 Miss Chowtie, come up.

25 (The following proceedings took place at

Proceedings

1 side-bar:)

2 PROSPECTIVE JUROR: All right. 2005 my son was
3 convicted for similar case like this.

4 THE COURT: Your son?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Was convicted?

7 PROSPECTIVE JUROR: Yeah, forcible touching. He
8 was convicted.

9 THE COURT: Who was the person he was convicted of
10 touching? Somebody in the family?

11 PROSPECTIVE JUROR: No.

12 THE COURT: A stranger?

13 PROSPECTIVE JUROR: Some stranger.

14 THE COURT: How old was the person?

15 PROSPECTIVE JUROR: In her 20s.

16 THE COURT: In her 20s. Okay.

17 PROSPECTIVE JUROR: I'm very nervous. I just
18 think I can't do it.

19 THE COURT: You can't do this?

20 PROSPECTIVE JUROR: No. It brings back every
21 memory.

22 THE COURT: I'm sorry for that.

23 We are going to have you sit on civil cases only,
24 okay?

25 PROSPECTIVE JUROR: I have to come back again

Proceedings

1 today?

2 THE COURT: The officer will instruct you where to
3 go.

4 PROSPECTIVE JUROR: I'm very nervous about this.
5 You know, this bring back all the memories.

6 THE COURT: I'm sorry. Thank you, Miss Chowtie.

7 Prospective juror Chowtie is excused consent of
8 both sides?

9 MR. ROSENBLATT: Yes.

10 MR. BANDELLI: Yes.

11 THE COURT: Miss Wong. Yes.

12 PROSPECTIVE JUROR: Hi.

13 THE COURT: You have a problem sitting on this
14 case?

15 PROSPECTIVE JUROR: My niece was abused, sexually
16 abused, by her dad, so --

17 THE COURT: It brings back bad memories?

18 PROSPECTIVE JUROR: Yes. I would not see him in a
19 favorable light no matter what.

20 THE COURT: Okay. We are going to have you sit on
21 civil cases.

22 PROSPECTIVE JUROR: Okay.

23 THE COURT: Thank you, Miss Wong. Follow the
24 instruction of the court officer.

25 Miss Wong is excused consent of both sides?

Proceedings

1 MR. ROSENBLATT: Yes.

2 MR. BANDELLI: Yes, your Honor.

3 THE COURT: Mr. Wagner, yes. You have a problem
4 with this case?

5 PROSPECTIVE JUROR: It's every time I read about
6 things like that, Judge, I get sick. I just it bothers me.
7 You know, I don't know what I would do. I mean to be honest
8 with you. Scared to death of my family, you know, my kids
9 go out and all of that. I'm scared to death of that, but
10 this is something else. It bothers me.

11 THE COURT: I understand that. So, you are
12 telling me that you would have a problem sitting on this
13 case?

14 PROSPECTIVE JUROR: I don't want to be biased. I
15 don't want to be, but I don't know how I would feel. I know
16 the guy deserves a fair shot, but I really don't know. I
17 never served on a jury, and this might be a problem to me.

18 THE COURT: Well, we are going to send you back to
19 central jury to sit on civil cases.

20 PROSPECTIVE JUROR: Okay.

21 THE COURT: Thank you for your honesty,
22 Mr. Wagner. Have a nice day.

23 Prospective juror Mr. Wagner is excused consent of
24 both sides?

25 MR. ROSENBLATT: Yes.

Proceedings

1 MR. BANDELLI: Yes.

2 (In open court.)

3 THE COURT: Anyone else?

4 Fill the three seats.

5 THE CLERK: George Yu, Y-U, seat number seven,
6 please.

7 Everett D. Walters, W-a-l-t-e-r-s, seat number 12,
8 please.

9 Harvey Leona, L-e-o-n-a, seat number 14, please.

10 Good morning, Mr. Yu, Mr. Walters and Mr. Leona.

11 Did the three of you hear the three basic principles of law
12 I stated a few minutes ago?

13 PROSPECTIVE JUROR: Yes.

14 PROSPECTIVE JUROR: Yes.

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Any of you have a problem
17 understanding it? Raise your hand.

18 Any of you have a problem following it? Raise
19 your hand.

20 Any of you have been the victim of a crime? Raise
21 your hand.

22 What happened to you, Mr. Leona?

23 PROSPECTIVE JUROR: I was mugged.

24 THE COURT: Where were you mugged?

25 PROSPECTIVE JUROR: Right by my block. A couple

Proceedings

1 of blocks from my house.

2 THE COURT: And did you call the police?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Anyone arrested?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Pardon me?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Okay. I'm sure you would agree that
9 has nothing to do with this case.

10 PROSPECTIVE JUROR: No.

11 THE COURT: You could be fair to both sides?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: You have your hand up, Mr. Walters?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: What happened to you, sir?

16 PROSPECTIVE JUROR: My apartment was broken into.

17 THE COURT: How long ago?

18 PROSPECTIVE JUROR: Six years ago.

19 THE COURT: Six years ago?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Did you call the police?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Anyone arrested?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Okay. That wouldn't give you a

Proceedings

1 problem sitting on this case; would it?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Good. All right.

4 Any of the three of you ever served as a juror
5 before in a criminal case?

6 PROSPECTIVE JUROR: No.

7 PROSPECTIVE JUROR: No.

8 PROSPECTIVE JUROR: No.

9 THE COURT: You are all caught up. One more
10 question. As you heard these charges involve a family
11 member, and they are in the nature of sexual charges.
12 Anyone have a problem sitting on a case like that? Raise
13 your hand.

14 Mr. Yu, come up.

15 (The following proceedings took place at
16 side-bar:)

17 THE COURT: You have a problem sitting on this
18 case?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: How come?

21 PROSPECTIVE JUROR: I have a young child.

22 THE COURT: Pardon?

23 PROSPECTIVE JUROR: I have a young child and a
24 little baby on the way. I hear on the news all the time
25 about sexual abuse by family members. Whenever I do, it

Proceedings

1 puts me in a rage.

2 THE COURT: It what?

3 PROSPECTIVE JUROR: It puts me in a rage.

4 THE COURT: It puts you in a rage. Okay. I don't
5 want to do that.

6 So, you couldn't be fair?

7 PROSPECTIVE JUROR: I don't think so, sir.

8 THE COURT: Okay. We are going to have you go
9 back to central jury, sit on another case.

10 PROSPECTIVE JUROR: Thank you. Have a nice day.

11 THE COURT: Prospective juror Mr. Yu is excused
12 consent of both sides?

13 MR. ROSENBLATT: Yes.

14 MR. BANDELLI: Yes.

15 THE COURT: Mr. Fang, you had your hand up.

16 PROSPECTIVE JUROR: My best friend, five years, he
17 was sexual something.

18 THE COURT: Your best friend what?

19 PROSPECTIVE JUROR: He was involved in a case with
20 a sexual something, harassment or something like that, in
21 the office, but he is my best friend. I know him, but he
22 didn't do it. I know he didn't do that, so -- but the case,
23 he lost the case. He paid the penalty.

24 THE COURT: Did he go to jail?

25 PROSPECTIVE JUROR: He is not that person to do

Proceedings

1 those things because I know the girl. I know the girl.

2 THE COURT: Let me ask you something. You have a
3 problem sitting on this case because of the charges?

4 PROSPECTIVE JUROR: Because I don't know.

5 THE COURT: Do you have a problem?

6 PROSPECTIVE JUROR: The problem is fine. No
7 problem. My point is that some case, I think my friend's,
8 he didn't do the thing. I believe he didn't do the thing.
9 I know him, but I know the girl, also.

10 THE COURT: Okay. I don't want to talk about
11 that. I want to ask you do you think you will have a
12 problem sitting on this case?

13 PROSPECTIVE JUROR: I don't know if I can be fair.
14 Maybe I can't do that.

15 THE COURT: You can't be fair. Okay. If you
16 can't be fair, I understand that, because of what happened
17 with your friend.

18 PROSPECTIVE JUROR: No. Because I know both.
19 Actually, one is my best friend. The girl, I know her. I
20 just know her.

21 THE COURT: Forget about the girl. You asked to
22 come up here.

23 PROSPECTIVE JUROR: Sorry.

24 THE COURT: You asked to come up here.

25 PROSPECTIVE JUROR: Yes.

Proceedings

1 The other thing is the officer.

2 THE COURT: What about the officer?

3 PROSPECTIVE JUROR: Three or four years ago I got
4 DWI. I get called but the case dismiss.

5 THE COURT: That's okay.

6 PROSPECTIVE JUROR: That is no problem.

7 THE COURT: You are fine. I think you would be
8 better off sitting on a civil case. Okay?

9 PROSPECTIVE JUROR: No problem.

10 THE COURT: Thank you very much for your honesty.
11 Just follow the instruction of the officer. You have a good
12 day, Mr. Fang.

13 Mr. Fang is excused consent of both sides?

14 MR. ROSENBLATT: Yes.

15 MR. BANDELLI: Yes.

16 (In open court.)

17 THE COURT: Fill you the seat, please.

18 THE CLERK: Lisa M. McCloskey, M-c-c-l-o-s-k-e-y,
19 seat number seven, please.

20 Michael D. Commisso, C-o-m-m-i-s-s-o, seat number
21 nine, please.

22 THE COURT: Good morning, Miss McCloskey and
23 Mr. Commisso.

24 Either of you been the victim of a crime?

25 What happened to you?

Proceedings

1 PROSPECTIVE JUROR: My car was broken into a
2 couple of times.

3 THE COURT: Your car was broken into?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: That wouldn't give you a problem
6 sitting as a fair juror?

7 PROSPECTIVE JUROR: No.

8 THE COURT: You heard the nature of the charges.
9 Either of you have a problem sitting on this case?

10 PROSPECTIVE JUROR: I do.

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Come up, Mr. Commisso.

13 (The following proceedings took place at
14 side-bar:)

15 THE COURT: You have a problem with these charges?

16 PROSPECTIVE JUROR: Yeah. I just think it's
17 disgusting.

18 THE COURT: Pardon me?

19 PROSPECTIVE JUROR: The charges.

20 THE COURT: I'm not asking your opinion. No one
21 likes the charges, but they are the charges in the case.

22 Do you think you could be fair on a case that has
23 those charges?

24 PROSPECTIVE JUROR: I don't think so.

25 THE COURT: Well, you heard the three basic

Proceedings

1 principles. First one is the defendant is presumed
2 innocent.

3 PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: You haven't heard any evidence.

5 PROSPECTIVE JUROR: Yeah, that's true. I'm still
6 human. It's just, you know, it just triggers something in
7 my mind, you know.

8 THE COURT: All right. Do you think you could sit
9 and listen to evidence and render a verdict in a case like
10 this?

11 PROSPECTIVE JUROR: I could.

12 THE COURT: You think you could be fair to both
13 sides?

14 PROSPECTIVE JUROR: That's what I don't think so.

15 THE COURT: You don't think so?

16 PROSPECTIVE JUROR: No. That's why I said, you
17 know --

18 THE COURT: Okay. We are going to send you back
19 to central jury then. Okay, Mr. Commisso. Thank you for
20 your honesty.

21 PROSPECTIVE JUROR: Yeah. I just wanted to be
22 honest.

23 THE COURT: I appreciate that. Civil cases only.
24 Mr. Commisso excused consent of both sides?

25 MR. ROSENBLATT: Yes.

Proceedings

1 MR. BANDELLI: Yes.

2 THE COURT: Miss McCloskey, you have a problem
3 with these charges?

4 PROSPECTIVE JUROR: Yes. I'm a Born Again
5 Christian, and I don't feel it's -- I just feel like hearing
6 it bothers me. I'm already prejudiced against it, and I
7 don't think I could be fair.

8 THE COURT: All right. We are going to send you
9 back to central jury to sit on civil cases.

10 PROSPECTIVE JUROR: Okay.

11 THE COURT: Thank you for your honesty.

12 Miss McCloskey is excused consent of both sides?

13 MR. ROSENBLATT: Yes.

14 MR. BANDELLI: Yes.

15 In open court.)

16 THE COURT: Fill the seats, please.

17 THE CLERK: Paula M. Lotito, L-o-t-i-t-o, seat
18 number 7, please.

19 Dominique Francois, F-r-a-n-c-o-i-s, seat number
20 nine, please.

21 THE COURT: Good morning, Miss Lotito and
22 Miss Francois.

23 Did both of you hear the three basic principles of
24 law?

25 PROSPECTIVE JUROR: Yes.

Proceedings

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Either of you have a problem following
3 them?

4 PROSPECTIVE JUROR: No.

5 PROSPECTIVE JUROR: No.

6 THE COURT: You heard me state the nature of the
7 charges. Either of you a problem with those charges?

8 PROSPECTIVE JUROR: No.

9 PROSPECTIVE JUROR: No.

10 THE COURT: You could sit this case. No problem,
11 right?

12 PROSPECTIVE JUROR: I have a problem.

13 THE COURT: Come up, Miss Francois.

14 (The following proceedings took place at
15 side-bar:)

16 THE COURT: You have a problem sitting on a case
17 with these charges?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: How come?

20 PROSPECTIVE JUROR: Well, I was inappropriately
21 touched when I was about 11, 12 years old by a close friend
22 of my fathers, and now I'm 38 years old, and it still haunts
23 me. So, I'm very uncomfortable.

24 THE COURT: I'm sorry we brought back a bad
25 memory. We are going to excuse you and have you sit on

Proceedings

1 civil cases only. Thank you very much. Again, I'm sorry I
2 brought up a bad memory.

3 PROSPECTIVE JUROR: Thank you.

4 THE COURT: Have a nice day, ma'am.

5 Miss Francois excused consent of both sides?

6 MR. ROSENBLATT: Yes.

7 MR. BANDELLI: Yes.

8 (In open court.)

9 THE COURT: Miss Lotito, have you ever served as a
10 juror before on a criminal case?

11 PROSPECTIVE JUROR: Never.

12 THE COURT: Have you ever been the victim of a
13 crime?

14 PROSPECTIVE JUROR: Stole the tires off my car
15 about 25 years ago. Minor.

16 THE COURT: That wouldn't give you a problem
17 sitting as a fair juror here.

18 PROSPECTIVE JUROR: No.

19 THE COURT: You are all caught up.

20 Has anyone in the jury box or anyone close to you,
21 whether a close relative or friend, ever been arrested or
22 accused of a crime?

23 Any of you or anyone close to you ever been
24 arrested or accused of a crime? Please raise your hand.

25 Some of you are thinking about that.

Proceedings

1 PROSPECTIVE JUROR: He was a minor. Does an
2 arrest as a minor count?

3 THE COURT: Come up.

4 (The following proceedings took place at
5 side-bar:)

6 THE COURT: You are all happy. Who do you know?

7 PROSPECTIVE JUROR: I shouldn't be happy. My
8 husband.

9 THE COURT: How long ago?

10 PROSPECTIVE JUROR: Gosh, let's say 42 years ago.

11 THE COURT: Before you knew him?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Okay. What was he arrested for?

14 PROSPECTIVE JUROR: He was arrested for -- he was
15 a juvenile. It was in Canada, and he was arrested for
16 loitering on the street. They were on the street for Expo
17 '67 a million years ago, and they put them in jail over
18 night.

19 THE COURT: Okay. That wouldn't give you a
20 problem sitting as a juror.

21 PROSPECTIVE JUROR: No.

22 THE COURT: That's it. Thank you.

23 (In open court.)

24 THE COURT: Now that you had time to think about
25 it, any of you ever been arrested or any of your close

Proceedings

1 friends or relatives ever been arrested? No.

2 Any of you or anyone close to you work in law
3 enforcement? That is have a job as a police officer, court
4 officer, correction officer, DA, FBI agent. Any of you or
5 anyone close to you have a job like that, raise your hand.

6 Miss Wallace, that looked like half a raise.

7 PROSPECTIVE JUROR: My brother, he works for
8 Riker's.

9 THE COURT: Riker's Island?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: As a correction officer?

12 PROSPECTIVE JUROR: Yes, I believe so.

13 THE COURT: Okay, and you had your hand up,
14 Miss Brown.

15 PROSPECTIVE JUROR: Retired police officer.

16 THE COURT: Pardon me?

17 PROSPECTIVE JUROR: Retired police officer.

18 THE COURT: Who is that?

19 PROSPECTIVE JUROR: I am.

20 THE COURT: You are?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Where did you work?

23 PROSPECTIVE JUROR: I last worked in the NYPD
24 Alcohol and Substance Abuse Unit. That was my last couple
25 of years.